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ABSTRACT

This handbook, available in English and Spanish, contains the Texas State Board of Education's approved procedures concerning dyslexia and related disorders and information regarding the state's dyslexia statutes and their relation to the federal Rehabilitation Act of 1973, Section 504, and the Individuals with Disabilities Education Act. Chapters address the following topics: (1) definitions and characteristics of dyslexia; (2) issues related to kindergarten, Grade 1, and Grade 2 reading instruments; (3) procedures and measures for assessing students for dyslexia; (4) identification of students with dyslexia; (5) instruction for students with dyslexia; (6) professional development of the teachers of students with dyslexia, and (7) referral to special education. Among ten appendices are: a flow chart for assessment, identification, and instruction for students with dyslexia; testing accommodations for the Texas Assessment of Academic Skills; a glossary of terms; a list of publications related to dyslexia; and the texts of relevant sections of the Rehabilitation Act of 1973, the Texas Education Code, and the Texas Administrative Code. (Contains 32 references.) (DB)

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THE DYSLEXIA HANDBOOK

Procedures Concerning Dyslexia and Related Disorders

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The Dyslexia Handbook

Procedures Concerning Dyslexia and Related Disorders

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Refer to Publication Number GE01 210 05

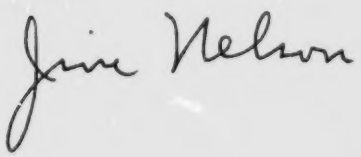
Texas Education Agency
Austin, Texas
February 2001

Foreword

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders contains the State Board of Education (SBOE) approved procedures concerning dyslexia and related disorders. The handbook provides guidelines for school districts to follow as they identify and provide services for students with dyslexia. Additionally, the handbook provides school districts and parents with information regarding the state's dyslexia statutes and their relation to the federal laws the Rehabilitation Act of 1973, §504, and the Individuals with Disabilities Act (IDEA).

The State Board of Education approved in 1992 and revised in 1998 a set of guidelines concerning dyslexia and related disorders in a document referred to as the *Revised Procedures Concerning Dyslexia and Related Disorders*. The present handbook, *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*, was reviewed by the SBOE in 2001, and replaces all previous handbooks and guidelines. The handbook does not introduce legal changes or changes in procedures. Rather, it clarifies language related to assessment and identification of students with dyslexia and reorganizes the procedures. Wherever possible, the procedures are bulleted and arranged in a sequence for districts and charter schools to follow as they develop their written procedures.

In addition to *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*, each education service center has designated a contact person to assist districts and campuses with implementing the state law and SBOE rules and procedures regarding dyslexia. The handbook contains the phone numbers of each education service center where the dyslexia contact can be reached.



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Preface

Students who continue to struggle to read, despite conventional or intensified instruction, are provided organized systems of reading support in the state of Texas. Some students struggle during early reading acquisition. Others do not struggle until the later grades when they face more complex language demands (e.g., reading textbooks; grammar). Some may be non-English speakers who struggle to read in their native language and/or English language learners (ELL) who struggle to read despite having appropriately developed oral English language. Many of the struggling readers struggle because of dyslexia. This includes students in all grades, non-English speakers, and ELL.

The purpose of this handbook of procedures related to dyslexia is to provide guidelines for school districts, charter schools, campuses, teachers, and parents in the identification and instruction of students with dyslexia. This handbook will be helpful to districts and charter schools as they develop their written procedures regarding students with dyslexia. While state and federal laws provide a legal framework, districts and charter schools should also address the individual needs of the students that they serve.

In Texas the identification and instruction of students with dyslexia and related disorders is mandated and structured by two statutes and one rule. Texas Education Code (TEC) §38.003 defines dyslexia and related disorders, mandates testing students for dyslexia and providing instruction for students with dyslexia, and gives the State Board of Education authority to adopt rules and standards to administer testing and instruction. Chapter 19 of the Texas Administrative Code (TAC) §74.28 outlines the responsibilities of districts and charter schools in the delivery of services to students with dyslexia. Finally, §504 of the Rehabilitation Act of 1973 establishes assessment and evaluation standards and procedures for students. Section 504 procedures are implemented when it is determined that dyslexia substantially limits learning.

In addition to the statutes and rule related to dyslexia, the State Board of Education approved (1992) and revised (1998) a set of guidelines referred to as the *Revised Procedures Concerning Dyslexia and Related Disorders*. The present handbook, *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*, replaces all previous handbooks and guidelines. The handbook does not introduce legal changes or changes in procedures. Rather, it clarifies language related to assessment and identification of students with dyslexia and reorganizes the procedures. Wherever possible, the procedures are bulleted and arranged in a sequence for districts and charter schools to follow as they develop their written procedures.

The chapters in this handbook include:

I. Definitions and Characteristics of Dyslexia

II. Issues Related to Kindergarten, Grade 1, and Grade 2 Reading Instruments

III. Procedures and Measures for Assessing Students for Dyslexia

IV. Identification of Students with Dyslexia

V. Instruction for Students with Dyslexia

VI. Professional Development of the Teacher of Students with Dyslexia

VII. Referral to Special Education

The dyslexia handbook has ten appendices: a flow chart of procedures; testing accommodations for the Texas Assessment of Academic Skills (TAAS); a glossary of terms; questions and answers; contacts for further information and organizations; publications related to dyslexia; the Rehabilitation Act of 1973, §504; TEC §38.003; TEC §28.006; and 19 TAC §74.28.

I. DEFINITIONS AND CHARACTERISTICS OF DYSLEXIA

The student who struggles with reading, writing, and/or spelling often puzzles teachers and parents. The student displays adequate intelligence and receives the same classroom instruction that benefits most children. Still the student struggles with some or all of the many facets of reading, writing and/or spelling. This student may be identified as a student with dyslexia. As defined in TEC §38.003:

(1) *"Dyslexia"* means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

(2) *"Related disorders"* includes disorders similar to or related to dyslexia such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

The working definition of the International Dyslexia Association states:

> *Dyslexia is one of several distinct learning disabilities. It is a specific language-based disorder of constitutional origin characterized by difficulties in single-word decoding, usually reflecting insufficient phonological processing. These difficulties in single-word decoding are often unexpected in relation to age and other cognitive and academic abilities; they are not the result of generalized developmental disability or sensory impairment. Dyslexia is manifested by variable difficulty with different forms of language, often including, in addition to problems with reading, a conspicuous problem with acquiring proficiency in writing and spelling* (International Dyslexia Association Research Committee in collaboration with the National Center for Learning Disabilities and the National Institutes of Child Health and Human Development, April 1994).

The difficulties of a student identified as having dyslexia occur in phonemic awareness and manipulation, single-word decoding, reading fluency, reading comprehension, spelling, and/or written composition. These difficulties are unexpected for the student's age, educational level, or cognitive abilities. Additionally, there is often a **family history** of similar difficulties.

The following are the reading/writing/spelling characteristics of dyslexia:

- Difficulty reading single words in isolation;
- Difficulty accurately decoding nonsense or unfamiliar words;
- Slow, inaccurate, or labored oral reading (lack of reading fluency); and/or
- Difficulty with learning to spell.

The reading/writing/spelling characteristics are the result of:

- Difficulty with the development of phonological awareness, including segmenting, blending, and manipulating sounds in words;
- Difficulty learning the names of letters and their associated sounds;
- Difficulty with phonological memory (holding information about sounds and words in memory); and/or
- Difficulty with rapid naming of familiar objects, colors, or letters of the alphabet.

The reading/writing/spelling characteristics of dyslexia lead to:

- Variable degrees of difficulty with word recognition in isolation or in context;
- Variable difficulty with aspects of reading comprehension;
- Variable difficulty with aspects of written composition; and/or
- A limited amount of time spent in reading activities.

II. ISSUES RELATED TO KINDERGARTEN, GRADE 1, AND GRADE 2 READING INSTRUMENTS

Some students demonstrate difficulties during early reading instruction. Two forms of assistance are available for these students. The first is through TEC §28.006. The second is through a recommendation for assessment for dyslexia. The two sources of instructional help are not sequential and must be determined solely by the student's reading needs.

The most common source of instructional help for early struggling readers is through TEC §28.006. Districts and charter schools must administer early reading instruments to all students in kindergarten and grades 1 and 2 to diagnose their reading development and comprehension. (For students in special education, see TEC §28.006(g).) If, on the basis of the reading instrument results, students are determined to be at risk for dyslexia or other reading difficulties, the district or charter school must notify the students' parents/guardians. The district or charter school must also implement an accelerated (intensive) reading program that appropriately addresses students' reading difficulties (TEC §28.006(g)) and enables them to "catch up" with their typically performing peers.

During kindergarten and grades 1 and 2 some students will demonstrate the characteristics of dyslexia or may struggle with reading, writing, and spelling during the intensive reading instruction provided through TEC §28.006. Districts and charter schools must initiate procedures to recommend these students for assessment for dyslexia. The information from the early reading instruments will be one source of information in deciding whether or not to recommend a student for assessment for dyslexia. The early reading instruments may or may not be part of the measures used to assess a student for dyslexia and must not be the only measures used to assess a student for dyslexia.

III. PROCEDURES AND MEASURES FOR ASSESSING STUDENTS FOR DYSLEXIA

Districts and charter schools must establish written procedures for recommending and assessing students for dyslexia within general education. While districts and charter schools must follow federal and state guidelines, they must also develop procedures that address the needs of their students. The procedures begin for students when they continue to struggle with one or more components of reading.

At any time that a student continues to struggle with one or more components of reading, districts and charter schools must collect additional information about the student. Districts and charter schools will use this information to evaluate the student's academic progress and determine what actions are needed to ensure the student's improved academic performance. Some of the information that the district or charter school collects is in the student's cumulative folder; other information is available from teachers and parents. Information to be considered includes the results from some or all of the following:

- Vision screening (school may conduct screening);
- Hearing screening (school may conduct screening);
- Teacher reports of classroom concerns;
- Basal reading series assessment;
- Accommodations and modifications provided by classroom teachers;
- Academic progress reports (report cards);
- Samples of school work;
- Parent conferences;
- Testing for limited English proficiency;
- Speech and language screening through a referral process;
- The K-2 reading instrument as described in TEC §28.006; and/or
- State student assessment program as described in TEC §39.022.

Among the actions that the district or charter school has available for the student is a recommendation that the student be assessed for dyslexia. The district or school recommends assessment for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and/or the related areas of writing and spelling that is unexpected for the student's age/grade, and;
- Some or all of the characteristics of dyslexia.

When the district or charter school recommends that a student be assessed for dyslexia, the district proceeds using the following procedures.

Procedures

Students enrolling in public schools in Texas shall be assessed for dyslexia and related disorders at appropriate times (TEC §38.003 (a)). The appropriate time depends upon multiple factors including the student's reading performance, reading difficulties, poor response to additional reading instruction (if placed in additional reading instruction), teachers' input, and parents' input. Additionally, the appropriate time for assessing is early in a student's school career (19 TAC §74.28), the earlier the better. While earlier is better, students should be recommended for assessment for dyslexia even if the reading difficulties appear later in a student's school career.

III. PROCEDURES AND MEASURES FOR ASSESSING STUDENTS FOR DYSLEXIA *(continued)*

The procedures to follow include:

- Notify parents or guardians of proposal to assess student for dyslexia (§504);
- Inform parents or guardians of their rights under §504;
- Obtain parent permission to assess the student for dyslexia; and
- Administer measures only by individuals/professionals who are trained in assessments to evaluate students for dyslexia and related disorders (19 TAC §74.28).

Tests, assessments, and other evaluation materials must:

- Be validated for the specific purpose for which they are used (§504);
- Include material tailored to assess specific areas of educational need and not merely materials that are designed to provide a single general intelligence quotient (§504);
- Be selected and administered so as to ensure that, when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (§504);
- Include multiple measures of a student's reading abilities such as informal assessment information (e.g., anecdotal records, lists of books the student has read, audio recordings of the student's oral reading) (§504); and
- Be administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials (§504).

Domains to Assess

The district or charter school administers measures that are related to the student's educational needs. Depending upon the student's age and stage of reading development, the following are the areas related to reading that should be assessed.

- Reading single words in isolation;
- Word decoding (real and nonwords);
- Phonological awareness;
- Letter knowledge (name and associated sound);
- Rapid naming;
- Fluency/rate and accuracy;
- Reading comprehension; and/or
- Spelling.

Based on the student's academic difficulties and characteristics, additional areas that can be assessed include vocabulary, written expression, handwriting, and mathematics. For non-English speakers who struggle to read in their native language, similar measures in the student's native language would be used as appropriate. This may require that dyslexia personnel work with the bilingual staff to administer the measures and determine if student performance is lower than what would be expected for the student's age/grade.

IV. IDENTIFICATION OF STUDENTS WITH DYSLEXIA

A team or committee of knowledgeable persons determines if the student has dyslexia. The team must be knowledgeable about:

- The student being assessed;
- The reading process;
- Dyslexia and related disorders;
- Dyslexia instruction;
- District or charter school, state, and federal guidelines for assessment;
- The assessments used; and
- The meaning of the collected data.

A committee of knowledgeable persons determines the identification of dyslexia after reviewing all accumulated data including the following areas:

- The observations of the teacher, district or charter school staff, and/or parent;
- Data gathered from the classroom (including student work and the results of classroom measures) and information found in the student's cumulative folder (including the developmental and academic history of the student);
- The results of administered assessments; and
- All other accumulated data regarding the development of the student's learning and his/her educational needs.

The student's reading difficulties and characteristics of dyslexia will be reflected or supported by low performance for the student's age and educational level in some or all of the following areas:

- Reading single words in isolation;
- Word decoding (real and nonwords);
- Phonological awareness;
- Letter knowledge (name and associated sound);
- Rapid naming;
- Fluency/rate and accuracy;
- Reading comprehension; and
- Spelling.

A committee of knowledgeable persons must also incorporate the following guidelines from TEC §38.003 and 19 TAC §74.28:

- The student's unexpected lack of appropriate academic progress;
- The student's exhibiting characteristics associated with dyslexia;
- The student's having adequate intelligence, the ability to learn;
- The student's receiving conventional instruction; and
- The student's lack of progress not being due to sociocultural factors such as language differences, irregular attendance, and lack of experiential background.

Based on the above information and guidelines the committee of knowledgeable persons determines whether the student has dyslexia. If the student has dyslexia, the committee of knowledgeable persons also determines whether the student has a disability under the Rehabilitation Act of 1973, §504. (Not all students with dyslexia are necessarily eligible for §504.) A student is considered to have a disability under §504 if the condition substantially limits the student's learning. Students with additional factors that complicate their dyslexia may require additional support or referral to special education.

V. INSTRUCTION FOR STUDENTS WITH DYSLEXIA

Once it has been determined that a student has dyslexia, the school district or charter school shall provide an appropriate instructional program for the student. As stated in TEC §38.003:

> *"In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder."*

The following procedures must be followed:

- Instructional decisions for a student with dyslexia are made by a team that is knowledgeable about the student, the meaning of the evaluation information, and instructional components and approaches for students with dyslexia.
- School districts and charter schools may purchase a reading program or develop their own reading program for students with dyslexia and related disorders as long as the program is characterized by the descriptors found in this handbook. The descriptors include the components phonemic awareness, graphophonemic knowledge, language structure, linguistic patterns, and processes (19 TAC §74.28). Instructional approaches include explicit, individualized, and multi-sensory instruction (19 TAC §74.28). The components of instruction and instructional approaches are described in the next section of this handbook.
- Each school must provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The school district may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus (19 TAC §74.28).
- Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, must be informed of all services and options available to the student under that federal statute.
- Teachers who provide the appropriate instruction for students with dyslexia must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components specified in the next section of this handbook (19 TAC §74.28).
- Teachers who provide the appropriate instruction for students with dyslexia must be trained in the professional development activities specified by each district, charter school, and/or campus planning and decision making committee (19 TAC §74.28).

Districts and charter schools may provide a parent education program for the parents/guardians of students with dyslexia and related disorders. The program should include:

- Characteristics of dyslexia and related disorders;
- Information on assessment and diagnosis of dyslexia;
- Information on effective strategies for teaching dyslexia; and
- Awareness of information on classroom modifications and especially of modifications allowed on standardized testing (19 TAC §74.28).

V. INSTRUCTION FOR STUDENTS WITH DYSLEXIA *(continued)*

Components of Instruction

The instructional program should be offered in a small class setting and include reading, writing, and spelling as appropriate. The major instructional strategies should utilize individualized, intensive, and multisensory methods as appropriate.

Components of instruction, as appropriate for the reading needs of the student, include:

- Phonemic awareness instruction that enables students to detect, segment, blend, and manipulate sounds in spoken language;
- Graphophonemic knowledge (phonics) instruction that takes advantage of the letter-sound plan in which words that carry meaning are made of sounds and sounds are written with letters in the right order. Students with this understanding can blend sounds associated with letters into words and can separate words into component sounds for spelling and writing;
- Language structure instruction that encompasses morphology (the study of meaningful units of language such as prefixes, suffixes, and roots), semantics (ways that language conveys meaning), syntax (sentence structure), and pragmatics (how to use language in a particular context);
- Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are the carriers of meaning; and
- Process-oriented instruction in the processes or strategies students use for decoding, encoding, word recognition, fluency, and comprehension that students need to become independent readers.

Instructional approaches, as appropriate to meet the instructional needs of the student, include:

- Explicit, direct instruction that is systematic (structured), sequential, and cumulative. Instruction is organized and presented in a way that follows a logical sequential plan, fits the nature of language (alphabetic principle) with no assumption of prior skills or language knowledge, and maximizes student engagement. This instruction proceeds at a rate commensurate with students' needs, ability levels, and demonstration of progress;
- Individualized instruction that meets the specific learning needs of each individual student in a small group setting; a reading curriculum that matches each student's individual ability level and contains all of the *Components of Instruction* mandated in 19 TAC §74.28;
- Intensive, highly concentrated instruction that maximizes student engagement, uses specialized methods and materials, produces results, and contains all the *Components of Instruction* mandated in 19 TAC §74.28;
- Meaning-based instruction that is directed toward purposeful reading and writing, with an emphasis on comprehension and composition; and
- Multisensory instruction that incorporates the simultaneous use of two or more sensory pathways (auditory, visual, kinesthetic, tactile) during teacher presentations and student practice.

Teachers of students with dyslexia shall be prepared to utilize these techniques and strategies. They may also serve as trainers and consultants in the area of dyslexia and related disorders to regular, remedial, and special education teachers.

VI. PROFESSIONAL DEVELOPMENT OF THE TEACHER OF STUDENTS WITH DYSLEXIA

As stated in 19 TAC, §74.28, the teachers who provide appropriate instruction for students with dyslexia must be trained and be prepared to implement instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components. These teachers must also be trained in the professional development activities specified by each district, charter school, and/or campus planning and decision making committee.

Teachers trained in the appropriate instruction for dyslexia may serve as consultants in the area of dyslexia and related disorders to regular, remedial, and special education teachers.

VII. REFERRAL TO SPECIAL EDUCATION

At any time during the assessment for dyslexia, identification process, or instruction related to dyslexia, students may be referred for evaluation for special education. At times, students will display additional factors/areas complicating their dyslexia and requiring more support than what is available through dyslexia instruction. At other times, there will be students with severe dyslexia or related disorders who will be unable to make adequate academic progress within any of the programs described in the procedures related to dyslexia. In such cases, a referral to special education for evaluation and possible identification as disabled within the meaning of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. section 1400 et seq.) should be made as needed.

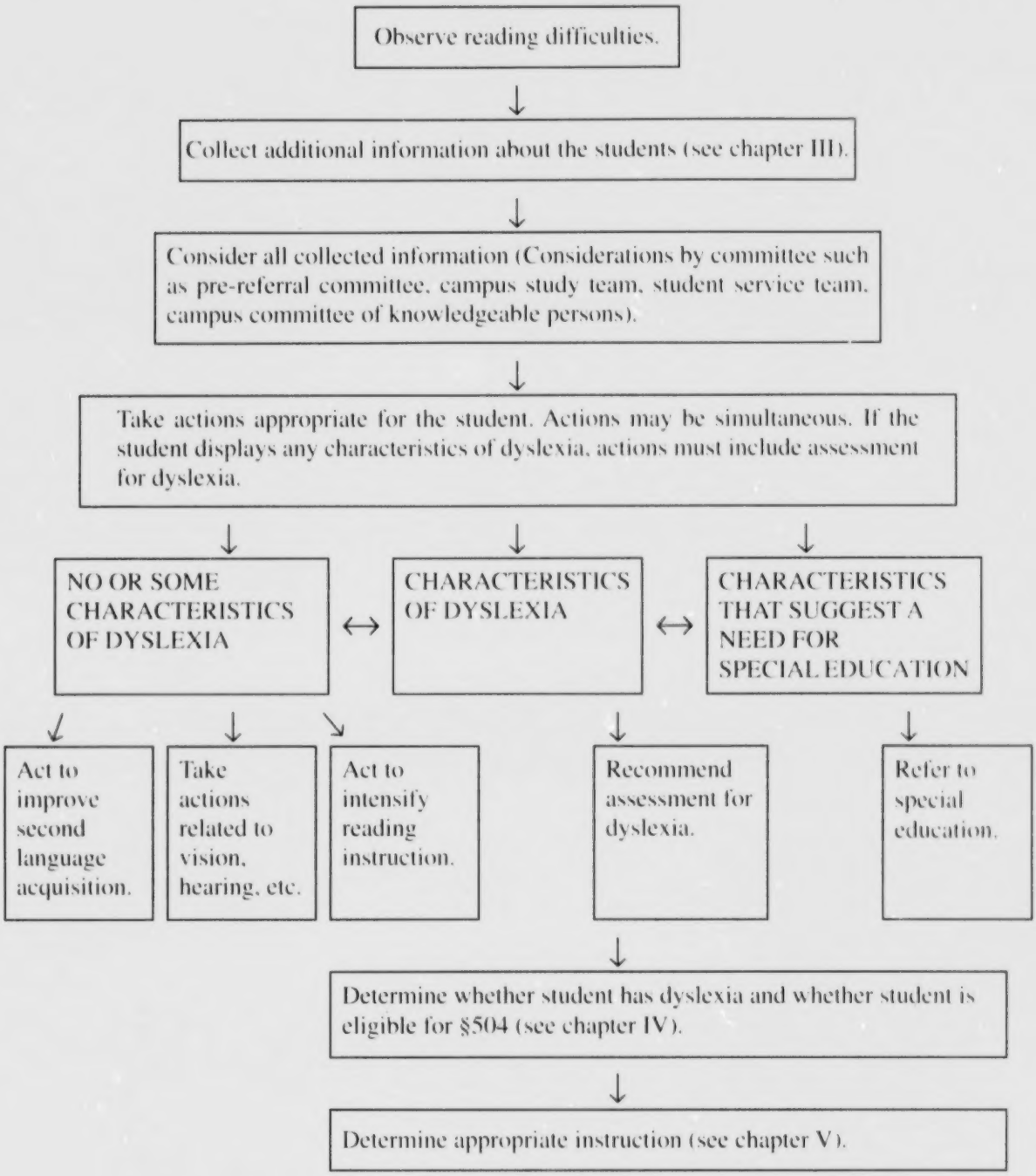
If the student with dyslexia is found eligible for special education, the admission, review, and dismissal (ARD) committee must include appropriate reading instruction on the student's individualized education program (IEP). Appropriate reading instruction includes the descriptors listed in the chapter on Instruction for Students with Dyslexia.

If a student with dyslexia is referred for special education, districts and charter schools follow IDEA, 1997. In IDEA, 1997, §1401 (26), dyslexia is considered one of a variety of etiological foundations for "specific learning disability." In general, the term "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written. The disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. A disorder includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

A disorder does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

34 CFR 300.7(c)(10) states that a "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disability, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Appendix A: Flow Chart for Assessment, Identification, and Instruction for Students with Dyslexia


Observe reading difficulties.
Collect additional information about the students (see chapter III).
Consider all collected information (Considerations by committee such as pre-referral committee, campus study team, student service team, campus committee of knowledgeable persons).
Take actions appropriate for the student. Actions may be simultaneous. If the student displays any characteristics of dyslexia, actions must include assessment for dyslexia.
NO OR SOME CHARACTERISTICS OF DYSLEXIA
CHARACTERISTICS OF DYSLEXIA
CHARACTERISTICS THAT SUGGEST A NEED FOR SPECIAL EDUCATION
Act to improve second language acquisition.
Take actions related to vision, hearing, etc.
Act to intensify reading instruction.
Recommend assessment for dyslexia.
Refer to special education.
Determine whether student has dyslexia and whether student is eligible for §504 (see chapter IV).
Determine appropriate instruction (see chapter V).

Appendix B: Testing Accommodations for the Texas Assessment of Academic Skills

NOTE:
Teachers should refer to the current issue of the Texas Assessment of Academic Skills (TAAS) Coordinator's Manual for each year's list of accommodations. The accommodations may change from time to time. For further information contact the website: www.tea.state.tx.us/student.assessment/resources/techdig/chap3.pdf.

Test Accommodations

Certain test administration procedures that do not cause test results to be invalid may be used. Information about testing accommodations should be communicated to administrators and other interested individuals. A list of test accommodations has also been included in the test administrator manuals.

The decision to use a particular accommodation with a student should be made on an individual basis and should take into consideration (a) the needs of the student, and (b) whether the student routinely receives the accommodation in classroom instruction.

Allowable Accommodations

- Instructions given orally before or after the test may be signed to an examinee with a hearing impairment or translated into the native language of an examinee with limited English proficiency.
- The writing prompt may be signed to an examinee with a hearing impairment, but no additional information or explanation may be provided to the student.
- An examinee may place a colored transparency over the test or may use a place marker with the test and the answer document.
- An examinee may receive an individual administration. In this setting, the examinee may read aloud while working or may read the subject area tests into a tape recorder during testing and play the tests back while working. A test administrator must be present in the test room at all times. All tape recordings should be returned in the scorable shipment with any voided materials.
- An examinee may use a Braille or large-print version of the test.
- If an examinee has a disabling condition that interferes with his or her ability to record machine-readable responses, the examinee may respond orally to test items, mark responses in the test booklet, or type responses. The test administrator must record these responses verbatim on a standard answer document. Administrators should write "Transcribed by (NAME) because (REASON)" at the top of the answer document. Test responses cannot be scored unless they appear on the answer document.
- If an examinee has a disabling condition that interferes with his or her ability to write the composition, an examinee may a) dictate a composition directly to a test administrator, spelling out all words and indicating all capital letters and punctuation marks as the essay is composed, or b) tape-record the essay while composing it, then play it back for the test administrator, spelling, capitalizing, and punctuating it. Afterward, the examinee must be allowed to read over the composition and indicate where he or she would like to make corrections. The test administrator must record these responses verbatim on a standard answer document. Administrators should write, "Transcribed by (NAME) because (REASON)" at the top of the written composition page. Test responses cannot be scored unless they appear on the answer document. All tape recordings should be returned in the scorable shipment with any voided materials.
- The examinee may type the TAAS written composition* on a typewriter or on a computer but may not use the computer's "spell check" feature or save the document. The composition **must** be transcribed onto a regular answer document for scoring. Administrators should write "Transcribed by (NAME) because (REASON)" at the top of the written composition.

Nonallowable Accommodations

- The examinee may not receive any reading assistance on the writing or reading tests. Examinees who are identified as having dyslexia or a related disorder may qualify for an oral administration of the mathematics, Grade 8 social studies, and/or Grade 8 science tests.
- The examinee may not use a calculator.**
- The examinee may not use a slide rule.
- The examinee may not use English-language or foreign-language reference materials.***
- Test items must not be translated.
- Other accommodations that would make the test invalid are prohibited.

** This is also true for the written composition and open-ended items on the English II end-of-course test.

*** An examinee who is administrated the Algebra I end-of-course test, however, must have access to a graphing calculator to use throughout the test.

**** An examinee who is administered the English II end-of-course test, however, must have access to an English-language dictionary for use throughout the test.

Oral Administration

Eligibility

A test administrator may read aloud the test questions and answer choices for the mathematics, Grade 8 social studies, and/or Grade 8 science tests to:

- eligible TAAS examinees identified as having dyslexia or a related disorder (e.g., dysgraphia, developmental auditory imperception, dysphasia) who regularly receive this accommodation in the classroom; and
- hearing-impaired students whose individual educational plans require the signing of daily instruction.

The oral administration is available only for the mathematics, social studies, and science sections of the TAAS test. It is not available for the reading or writing tests or for the Texas Educational Assessment of Minimum Skills (TEAMS) test.

Decision to Provide

The decision to provide an oral administration to students receiving special education services should be made by the student's admission, review, and dismissal (ARD) committee. For students not in special education, this determination rests with the committee that is required by Section 504 of the Rehabilitation Act of 1973 for making the student's placement decisions. Directions for the oral administration are in the TAAS *Test Administrator Manual*.

> If you have questions about accommodations that are not listed in this handbook, please call the Student Assessment Division at (512) 463-9536.

Appendix C: Glossary of Terms

Accelerated reading instruction: intensified, research-based, reading instruction that addresses the student's reading needs that were determined by the K-2 Reading Instruments (TEC §28.006). This intensive research-based instruction is provided for students determined to be at risk for dyslexia or other reading difficulties. The district or charter school determines the form, content, and timing of the intensive instruction that is designed to meet students' needs (e.g., instruction in phonemic awareness, alphabetic principle, word analysis strategies, fluency, and/or reading comprehension). It is not required that students attend accelerated intensive reading instruction prior to a recommendation for an assessment for dyslexia and/or referral to special education; it is important that students who demonstrate reading needs receive intensified instruction designed to meet their reading needs as early as they are identified.

Adaptive behavior: the effectiveness in which the student meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

Alphabetic principle: the understanding that the sequence of letters in written words represents the sequence of sounds (or phonemes) in spoken words.

Assessment for dyslexia: measures (e.g., tests, systematic observations, interviews, etc.) that are given to determine if a student is eligible for dyslexia services. Individualized measures in reading, as appropriate for the student's reading level, include:

- Reading single words in isolation;
- Word decoding (real and nonwords);
- Phonological awareness;
- Letter knowledge (name and associated sound);
- Rapid naming;
- Fluency/rate and accuracy;
- Reading comprehension; and
- Spelling.

"At Risk" for dyslexia: students whose K-2 Reading Instrument(s) (TEC §28.006) results indicate needs in the areas of reading and/or reading development are considered "at risk" for dyslexia. The students considered "at risk" are at the pre-identification level and are not identified as students with dyslexia at this time. These students will be provided accelerated reading instruction (intense, research-based instruction that addresses the reading needs of the student). Students who continue to struggle with reading despite intensive reading instruction will probably be recommended for an assessment for dyslexia and/or a referral for special education.

Developmental dysgraphia: an inability to write legibly. This may or may not occur in addition to other difficulties in written language. Visual-motor coordination skills are frequently within the average range and are not the primary cause of dysgraphia.

Developmental spelling disorder: significant difficulty learning to spell. This occurs in the absence of reading or other written language difficulties.

Dyslexia: a specific language-based disorder of constitutional origin characterized by difficulties in single-word decoding, usually reflecting insufficient phonological processing. These difficulties in single-word decoding are often unexpected in relation to age and other cognitive and academic abilities; they are not the result of generalized developmental disability or sensory impairment. Dyslexia is manifested by variable difficulty with different forms of language, often including a conspicuous problem with acquiring proficiency in writing and spelling in addition to problems with reading (International Dyslexia Association, 1994).

Evaluation: the use of multiple methods in evaluating a variety of data to guide establishment of appropriate interventions. For the identification of a student with dyslexia, the data for evaluation should include the teacher's observations, the developmental and academic history of the student, the results of a variety of reading assessments, and all other information relevant to the identification of dyslexia.

Explicit, direct instruction: instruction that is systematic (structured), sequential, and cumulative. Instruction is organized and presented in a way that follows a logical sequential plan, fits the nature of language (alphabetic principle) with no assumption of prior skills or language knowledge, and maximizes student engagement.

Graphophonemic knowledge (phonics) instruction: instruction that takes advantage of the letter-sound plan in which words that carry meaning are made of sounds, and sounds are written with letters in the right order. Students with this understanding can blend sounds associated with letters into words and can separate words into component sounds for spelling and writing.

Identification for dyslexia: the educational identification of dyslexia is made by a committee of knowledgeable persons. The team must be knowledgeable about

- The reading process;
- Dyslexia and related disorders;
- Dyslexia instruction;
- District or charter school, state, and federal guidelines for assessment;
- The student being evaluated;
- The assessments that were used; and
- The meaning of the collected data.

A committee of knowledgeable persons considers all accumulated information for the evaluation including the observations of the teacher and parents, the developmental and educational history of the student, the data collected by the teacher and other district or charter school staff, the results of the assessments administered, and all other pertinent information relating to the educational development of the student.

Individualized instruction: instruction that meets the specific learning needs of an individual student. Materials and methods are matched to each student's individual ability level.

Language structure instruction: instruction that encompasses morphology, semantics, syntax, and pragmatics.

Linguistic instruction: instruction that is directed toward proficiency and fluency with patterns of language so that words and sentences are the carriers of meaning.

Meaning-based instruction: instruction that is directed toward purposeful reading and writing, with an emphasis on comprehension and composition.

Morphemes: a meaningful linguistic unit that cannot be divided into smaller meaningful elements, as the word ***book***. A morpheme is also a component of a word, as *s* in books.

Morphology: the study of the structure and form of words in language or a language, including inflection, derivation, and the formation of compounds.

Multisensory instruction: instruction that incorporates the simultaneous use of two or more sensory pathways (auditory, visual, kinesthetic, tactile) during teacher presentation and student practice.

Phonemic awareness: the insight that spoken words can be conceived as a sequence of sounds; the ability to manipulate the sounds within words (e.g., segmenting or blending).

Phonics: instructional practices that emphasize how spelling is related to speech sounds in systemic ways; explicit instruction in letter-sound correspondences.

Phonology: the sound structure of speech and in particular the perception, representation, and production of speech sounds.

Process-oriented instruction: thoughtfully ordered step-by-step instruction in the processes or strategies that students need to become independent readers, including processes or strategies for decoding, encoding, word recognition, fluency, and comprehension.

Recommendation for assessment for dyslexia: recommendation by the teacher, district or charter school staff, and/or parent that a student be assessed for dyslexia. Following the recommendation, the district or charter school must adhere to its written procedures and the procedures within the handbook.

Screening: an initial assessment to identify students who may demonstrate particular problems (e.g., reading problems). All students in a school or classroom are given the cursory examination to ascertain whether any of them require more intensive diagnosis.

Appendix D: Questions and Answers

The following questions and answers relate to various topics important to dyslexia and related disorders.

Relationship of Dyslexia To the Rehabilitation Act of 1973, §504

1 How does §504 affect the way school districts and charter schools implement the state dyslexia law and the State Board of Education rules and procedures?

- If a student is suspected of having a disability within the scope of the Individuals with Disabilities Education Act (IDEA), all special education procedures must be followed. IDEA procedures meet the requirements of §504.
- If a student is not suspected of having a disability within the scope of IDEA, he/she may still have a disability within the scope of §504. Such a student must be assessed, evaluated, and provided an education that meets the individual needs of the student as adequately as the students without disabilities are served in the district or charter school. At times, such nondiscrimination requires the provision of special services or modifications of programs to enable the student to benefit from the education that is offered to him or her. (The most familiar example is the provision of a ramp for students using wheelchairs.) Following the dyslexia guidelines in this handbook assures attention to the special needs of a student with dyslexia that is considered disabled under §504. Particular attention must be paid to the procedural and appeal provisions of §504.
- When students are singled out for individualized assessment, the procedures for assessing students for dyslexia must be carried out within the requirements of §504 including notification of parents; opportunity for parents to examine relevant records; use of valid measures; and evaluation and placement by a team of persons knowledgeable about the student, meaning of the evaluation data, and placement options. The steps taken to comply with §504 should be documented in writing.

2 Is every student suspected of having dyslexia "disabled" within the meaning of §504?

No, not in all cases. To be a person with a disability within the meaning of §504, the student must have a disability, have a record of a disability, or be regarded as having a disability. The disability must substantially limit at least one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working [34 CFR 104.3(j)]. Thus a student with dyslexia whose reading difficulties substantially limit learning may be regarded as having a disability within the scope of §504.

3 What written documentation is recommended to ensure compliance with §504?

It is recommended that districts and charter schools document the following in writing in the event that an Office for Civil Rights investigation is initiated by a formal complaint:

- Documentation that the notice of evaluation has been given to parents;
- Documentation of the evaluation data;
- Documentation of the decisions made by the committee of knowledgeable persons concerning the disability (whether or not a disability exists); and
- Documentation of the placement options and placement decisions.

The important issue is that the above documentation ensures that a district or charter school meets the needs of students and protects the rights of students and parents.

4 What procedural protections are provided to parents who may not agree with the decisions made by a district or charter school?

- If the student is suspected of having a disability within the scope of IDEA, the procedural protections provided for in that law and the rules for implementation apply.
- If the student is not suspected of having a disability within the scope of IDEA, then the procedural protections of §504 may apply. Under §504, parents may file a request for a hearing with the school district or charter school. The school district or charter school must appoint as an impartial hearing officer a person who is not an employee and has no other conflict of interest. At the hearing, there must be opportunity for participation by the parents and, if desired, by counsel for the parents. Decisions of the hearing officer may be appealed to state or federal court.

Texas Education Code, Texas Administrative Code, and State Board of Education Rules and Procedures

5 What is the difference between the State Board of Education's rule and procedures?

The State Board of Education rule requires school districts and charter schools to follow the "Procedures Concerning Dyslexia and Related Disorders." The procedures, as stated in this dyslexia handbook, are guidelines developed to assist districts and charter schools in complying with state and federal laws.

6 What are the school districts' or charter schools' responsibilities in implementing the state dyslexia law?

School districts and charter schools must collect pertinent data for any student suspected of having dyslexia or a related disorder. (See chapter III, Procedures and Measures for Assessing Students for Dyslexia.) A committee of persons knowledgeable about the student, assessment data, and appropriate instruction considers the data to determine whether the student has dyslexia and provides appropriate services for the student in an appropriate instructional program on his/her campus. If a parent received assessment information about his/her child from a private individual, the district or charter school must consider the information provided by the parent. However, the district or charter school determines whether the student is eligible for services for dyslexia and related disorders.

7 What is a reasonable time span between the recommendation for assessment and final determination of whether a student has dyslexia?

Districts and charter schools establish the reasonable timeline within their written procedures for identifying and serving students with dyslexia. In determining a reasonable timeline, districts and charter schools are encouraged to remember that time is critical. The sooner students receive appropriate instruction, the sooner that student moves toward successful independent reading.

8 What monies may be used to support the dyslexia program?

State foundation funds, compensatory funds, or local funds are to be used. Compensatory funds are used to supplement the regular classroom instruction. For students whose disability warrants special education services, special education funds may be used.

Recommendation for Assessment for Dyslexia

9 When is a student who is having problems in reading to be considered for placement in an instruction program for dyslexia and related disorders?

If the student is not progressing in the general, remedial, and/or compensatory reading programs in school and other causes have been eliminated, the student should be recommended for assessment to determine if he or she has dyslexia or a related disorder.

10 How long must students receive general, remedial, and/or compensatory reading instruction before being recommended for assessment for dyslexia?

Students demonstrating difficulties with reading or related areas should be carefully monitored by staff during classroom remedial, and/or compensatory reading instruction and should experience ongoing progress monitoring. If the student does not make progress, then a recommendation for assessment for dyslexia should be made.

11 At what grade level should a student be recommended for assessment for dyslexia?

It is recommended that priority be given to Grades 1, 2, and 3 to focus on early intervention. However, when a student fails to make expected academic progress at any grade level, the needs of the student should be analyzed and evaluated.

12 If students do not make expected academic progress in Grade 1, should they be recommended for an assessment for dyslexia?

They may, but not in all cases. It could be that the student has not had the breadth of enhanced language and literacy experiences required to progress at the same rate as his or her classmates. The student may require tutoring, accelerated (intensive) instruction, placement in smaller instructional groups, or counseling. If the student is not a native English speaker, the student's oral English may not be developed sufficiently and the child may require reading instruction in his/her native language, English as a second language, or bilingual classes. Teachers should consider the results of the early reading instruments that are required by TEC §28.006.

Following accelerated (intensive) reading instruction or other steps to facilitate reading acquisition, students who do not make expected academic progress may require remedial, compensatory, or dyslexia services.

13 Should all students be routinely reviewed for dyslexia?

The reading progress of all students should be monitored and reviewed. A recommendation for assessment for dyslexia is made only for students who respond poorly to some or all of classroom reading instruction and exhibit some or all of the characteristics of dyslexia. Additionally, the student's poor reading performance is unexpected for the student's age/grade.

14 May a parent recommend a student for assessment for dyslexia?

Yes, a parent may request to have his/her child assessed for dyslexia or a related disorder. A parent may choose to have his/her child assessed by a private diagnostician or other source. To be valid, this assessment must comply with the requirements set forth in §504 and the guidelines in this handbook (see the section on tests, assessments, and other evaluations). The district or charter school must consider information provided by the parent when interpreting evaluation data and making placement decisions. However, the district or charter school determines whether the student is eligible for services for dyslexia and/or related disorders.

15 Must a student fail a class or subject before being recommended for assessment for dyslexia?

No. When the student is not progressing and the teacher has exhausted alternative strategies for instruction in the regular classroom, the student should be considered for an alternative program (e.g., Title 1, compensatory education) or be recommended for assessment for dyslexia.

16 What data about students can school districts or charter schools collect to help decide whether a student should be recommended for assessment for dyslexia?

The data collected are the information that schools normally gather. They may include the results of some or all of the following:

- Vision screening (school may conduct screening);
- Hearing screening (school may conduct screening);
- Teacher reports of classroom concerns;
- Basal reading series assessment;
- Accommodations and modifications provided by classroom teachers;
- Academic progress reports (report cards);
- Parent conferences;
- Testing for limited English proficiency;
- Speech and language screening through a referral process;
- The K-2 reading instrument as described in the results TEC§28.006; and/or
- State student assessment program as described in the TEC§39.022.

17 To whom should the student be referred if there is a problem with speech or language development?

The normal special education referral procedures should be followed. For students identified as disabled under IDEA, a speech pathologist usually provides services for students with identified language/speech problems in accordance with the decisions of the admission, review, and dismissal (ARD) committee.

18 When may a student be referred for special education evaluation?

A student may be referred for special education evaluation at any time a disability and need for special education are suspected. The dyslexia instructional program is not meant to take the place of special education services. Some students of limited English proficiency are also dyslexic and may need both programs (bilingual education programs/ESL programs and special education or dyslexia instruction).

Assessments for Dyslexia

19 Should parents be notified if a district or charter school plans to evaluate a student for dyslexia or a related disorder?

Yes, notice of the recommendation to assess the student for dyslexia must be given to the parents prior to any individualized assessment. Parental consent for individualized assessment is necessary before assessment begins. In addition, notice of §504 due process rights must be provided to parents at this time.

20 Is there one test that can be used to determine that a student has dyslexia or a related disorder?

There is no one test. Districts and charter schools should use multiple data sources including formal and informal measures that are appropriate for determining dyslexia and related disorders. Reading assessments, as appropriate for the reading development of the student, should include:

- Reading single words in isolation;
- Word decoding (real and nonwords);
- Phonological awareness;
- Letter knowledge (name and associated sound);
- Rapid naming;
- Fluency/rate and accuracy;
- Reading comprehension; and/or
- Spelling.

21 Is it necessary to record assessment results and data collected on special forms?

No, this sort of information is usually recorded in students' cumulative folders. Districts and charter schools do not have to change their normal methods of recording students' data. Nor does the state require special forms to record assessment results. It is important that school districts and charter schools keep this information in writing to ensure that they meet the needs of their students, to protect the rights of students and their parents, and to document findings should the Office for Civil Rights investigate a formal complaint.

Identification of a Student with Dyslexia

22 Who ultimately identifies the student as dyslexic and makes the placement decision?

The identification must be made by a school district's, charter school's, or campus' committee of knowledgeable persons. This team should include two or more of the following individuals: the superintendent, a principal, a counselor, a consultant, a reading specialist, a dyslexia specialist, a speech and language pathologist, an educational diagnostician, a special education teacher, and a teacher or other professional educator. The team must be knowledgeable about the student being assessed; reading; dyslexia and related disorders; dyslexia instruction; district or charter school, state, and federal guidelines for assessment; the assessments that were used; and the meaning of the collected data. In addition, it is suggested that the student's parent(s) be a part of this process.

This answer does not necessarily apply to students covered by IDEA. If a student is covered by IDEA, the placement decision would be made by the student's ARD committee which might include members of the dyslexia committee.

23 What are the responsibilities of the committee of knowledgeable persons that identifies a student as having dyslexia?

- The committee is responsible for evaluating the data to identify students with dyslexia and related disorders. This may be a committee (or committees) at the district, charter school, or campus level.
- The committee must ensure that appropriate instruction is available for each student identified as having dyslexia or related disorders on his or her campus.
- The committee must ensure that the State Board of Education's guidelines in this dyslexia handbook are followed.
- The committee coordinates identification and placement with the Language Proficiency Assessment Committees (LPACs) as needed.

24 What information should be reviewed?

The team should review information in the student's school records or cumulative folder, data from teachers and parents, assessment of reading areas, and any additional information as needed. (See chapter III, Procedures and Measures for Assessing Students for Dyslexia.)

25 What factors must be considered by the committee before placing a student into a dyslexia program?

Identification must be determined based on the following:

- The student has not made academic progress commensurate with potential.
- The student has adequate intelligence.
- The student has the characteristics of dyslexia or a related disorder.

The student's reading difficulties and characteristics of dyslexia will be reflected or supported by low performance for the student's age and educational level in some or all of these areas:

- Reading single words in isolation;
- Word decoding (real and nonwords);
- Phonological awareness;
- Letter knowledge (name and associated sound);
- Rapid naming;
- Fluency/rate and accuracy;
- Reading comprehension; and
- Spelling.

The following factors must NOT be used independently to identify a student for a dyslexia program:

- The student's primary language is not English.
- The student has irregular attendance.
- The student lacks experiential background.
- The student has had a brain injury, disease, or surgery.

26 Is it necessary to use an individually administered intelligence test to identify a student with dyslexia and related disorders?

No. If a committee of knowledgeable persons determines that the student has adequate intelligence based on the information collected, it is not necessary to administer an intelligence test. The district must document their determination of adequate intelligence.

27 What kind of test can be used to determine adequate intelligence, and is there a cutoff score to determine adequate intelligence?

Any reasonable, proven assessment of intelligence, such as a test of listening comprehension, may be considered. Any individually administered standardized intelligence test may be used but is not required.

There is no cutoff score to determine adequate intelligence. Adequate intelligence will be determined by the policies of the district or charter school.

Instruction

28 Should each campus have a dyslexia program?

Yes. This is in accordance with 19 TAC §74.28.

29 Must each district or charter school provide appropriate dyslexia instruction for students identified as having dyslexia at each grade level through Grade 12?

Yes. All students identified with dyslexia must receive reading instruction that is appropriate for their reading strengths and needs. The reading instruction must match the descriptions in this handbook and, as appropriate for the student, contain reading, writing, and spelling components.

30 What is the difference between instruction for students with dyslexia who are in general education and students with dyslexia who are in special education?

There may or may not be a difference. In this handbook, chapter V, Instruction for Students with Dyslexia, describes the reading instruction that must be in place to serve students identified with dyslexia. Students who qualify for special education have an individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee. For students with dyslexia who qualify for special education, the IEP must include, as appropriate, the reading instruction that matches the descriptors found in chapter V of this handbook.

School districts and charter schools must ensure that students who participate in special education services are not denied access to programs on the basis of their disability. To the extent appropriate, the student must be educated in the least restrictive setting with non-disabled peers and have instruction that enables the student to participate and progress in the general curriculum. This means that students who are eligible for special education who also meet the Texas identification criteria for dyslexia and related disorders:

- Must have an individual education plan (IEP) that provides access to instructional programs in reading and written language that comply with the State Board of Education rules and Procedures Concerning Dyslexia and Related disorders;
- May not be denied access to the district's or charter school's programs for students with dyslexia, unless the admission, review, and dismissal (ARD) committee determines such a program would deny the student a free appropriate public education (FAPE) and educational benefit; and
- Must have the admission, review, and dismissal (ARD) committee consider the range of services available for students with dyslexia in determining the least restrictive educational placement for the student.

31 How long should a student remain in a remedial program or in an instructional program designed for students with dyslexia and related disorders?

The local district or charter school should, as with any alternative program, establish criteria for exit. Even after exit, the student, in order to be successful, may require some continuing supports in the general program. Under §504, the district or charter school must provide those supports or related aids and services. Additionally, the campus may want to routinely monitor the progress of the student to be sure that the student maintains successful reading performance.

Teachers

32 What certification should teachers of students with dyslexia and related disorders have?

They need valid elementary teaching certificates if they are assigned to teach elementary students and valid secondary certificates if they are to teach secondary students. Teachers with coursework in the areas of reading and reading disabilities should be considered first for assignment to teach students with dyslexia and related disorders. These teachers should be trained to deliver instruction that is described in chapter V of this handbook.

Appendix E: Contacts for Further Information

Education Service Center Dyslexia Contacts

For more information about dyslexia services, contact your regional Education Service Center. When you phone, ask for the dyslexia contact for your region.

Region I	1900 W. Schunior Edinburg, TX 78539 (956) 984-6000 Fax (956) 984-6159	**Region XI**	3001 North Freeway Fort Worth, TX 76106-6596 (817) 740-3600 Fax (817) 740-7600
Region II	209 N. Water Street Corpus Christi, TX 78401-2599 (361) 561-8400 Fax (361) 883-3442	**Region XII**	P.O. Box 23409 Waco, TX 76702-3409 (254) 666-0707 Fax (254) 666-0823
Region III	1905 Leary Lane Victoria, TX 77901-2899 (361) 573-0731 Fax (361) 576-4804	**Region XIII**	5701 Springdale Road Austin, TX 78723-3675 (512) 919-5313 Fax (512) 919-5374
Region IV	7145 W. Tidwell Houston, TX 77092-2096 (713) 462-7708 Fax (713) 744-6514	**Region XIV**	1850 State Hwy. 351 Abilene, TX 79601-4750 (915) 675-8600 Fax (915) 675-8659
Region V	2295 Delaware Street Beaumont, TX 77703-4299 (409) 838-5555 Fax (409) 833-9755	**Region XV**	P.O. Box 5199 San Angelo, TX 76902-5199 (915) 658-6571 Fax (915) 658-6571
Region VI	3332 Montgomery Road Huntsville, TX 77340-6499 (936) 295-9161 (936) 295-1447	**Region XVI**	P.O. Box 30600 Amarillo, TX 79120-0600 (806) 376-5521 Fax (806) 373-3432
Region VII	P.O. Box 1622 Kilgore, TX 75663-1622 (903) 984-3071 Fax (903) 984-9518	**Region XVII**	1111 W. Loop 289 Lubbock, TX 79416-5029 (806) 792-4000 Fax (806) 792-1523
Region VIII	P.O. Box 1894 Mt. Pleasant, TX 75456-1894 (903) 572-8551 Fax (903) 575-2611	**Region XVIII**	P.O. Box 60580 Midland, TX 79711-0580 (915) 563-2380 Fax (915) 567-3290
Region IX	301 Loop 11 Wichita Falls, TX 76309-3799 (940) 322-6928 (940) 767-3836	**Region XIX**	P.O. Box 971127 El Paso, TX 79997-1127 (915) 780-1919 Fax (915) 780-6537
Region X	P.O. Box 831300 Richardson, TX 75083-1300 (972) 348-1700 Fax (972) 231-3642	**Region XX**	1314 Hines Avenue San Antonio, TX 78208-1899 (210) 370-5200 Fax (210) 370-5750

State and Federal Contacts

For more information about state dyslexia regulations, contact:

State Dyslexia Consultants
Region 10 Education Service Center
400 E. Spring Valley Road
Richardson, TX 75083-1300
1-800-232-3030
www.ednet10.net/dyslexia.pdf

Director or Assistant Director of Reading
Texas Education Agency
Division of Curriculum and Professional Development
1701 N. Congress Avenue
Austin, TX 78701-1494
(512) 463-9581
www.tea.state.tx.us

For more information regarding the Rehabilitation Act of 1973, §504, contact:

The Office for Civil Rights
Dallas Regional Office
1999 Bryan, Suite 2600
Dallas, TX 75201
(214) 880-2459
ocr@ed.gov

Organizations

Note: This is **NOT** a TEA approved list but is intended to provide additional sources for information about dyslexia and related disorders.

ALTA **Academic Language Therapy Association** 4020 McEwen, Suite 105 Dallas, TX 75244-5041 (972) 233-9107 ext. 204 Fax (972) 490-4219 HOPELINE (972) 907-3924 www.ALTAread.org	**LDA** **Learning Disabilities Association** 4156 Library Road Pittsburgh, PA 15234 (412) 341-1515 www.LDAAmerica.org
Department of Pediatrics/ **University of Texas at Houston** Center for Academic and Reading Skills 7000 Fannin, UCT2443 Houston, TX 77030 (713) 500-3686 http://cars.uth.tmc.edu	**LDAT** **Learning Disabilities Association of Texas** 1011 West 31st Street Austin, TX 78705 (512) 458-8234 (800) 604-7500 (Texas residents only) http://ourworld.compuserve.com/homepages/LDAT
EDMAR Educational Associates P.O. Box 2 Forney, TX 75126 (972) 564-5005 Fax (972) 564-6606 e-mail: mtaysmith@msn.com	**LEAD** **Literacy Education & Academic Development, Inc.** P.O. Box 262 Argyle, TX 76226 (940) 464-3752 Fax (940) 464-7293
IDA **International Dyslexia Association** 8600 LaSalle Road, Suite 382 Chester Building Baltimore, MD 21286-2044 (800) ABCD-123 http://interdys.org	**NCLD** **National Center for Learning Disabilities** 381 Park Avenue South, Suite 1401 New York, NY 10016 (212) 545-7510 or (888) 575-7373 Fax (212) 545-9665 www.NCLD.org
International Reading Association P.O. Box 8139 Newark, DE 19714-8139 (800) 336-READ Fax (302) 731-1057 www.reading.org	**Neuhaus Education Center** 4433 Bissonnet Bellaire, TX 77401 (713) 664-7676 http://www.neuhaus.org
James P. Williams Memorial Foundation 515 W. Harris Avenue, Suite 104 San Angelo, TX 76903 (915) 655-2331	**RFB&D** **Recording for the Blind and Dyslexic** 20 Roszel Road Princeton, NJ 08540 (609) 452-0606 www.rfbd.org

RFB&D **Recording for the Blind & Dyslexic/Texas** 1314 West 45th Street Austin, Texas 78756 (512) 323-9390 www.rfbdtexas.org	**Southwest Multisensory Training Center** 600 S. Jupiter Road Allen, TX 75002 (972) 359-6646 Fax (972) 359-8291
Scottish Rite Learning Center of West Texas P.O. Box 10135 Lubbock, TX 79408 (806) 765-9150 Fax (806) 765-9564	**Texas Scottish Rite Hospital for Children** 2222 Welborn Street Dallas, TX 75219-9813 (214) 559-7800 www.tsrhc.org
Southern Methodist University **Learning Therapy** P.O. Box 750384 Dallas, TX 75219-9813 (214) 768-7323 Fax (214) 768-4313 Learning.Therapy@mail.smu.edu	**Texas State Reading Association** P.O. Box 4396 Austin, Texas 78765-4396 (800) 326-5274 www.texasira.org

Appendix F: Publications Related to Dyslexia

Aaron, P. G. & Joshi, R. M. (1992). *Reading problems*. New York: Guilford Press.

Adams, M. (1990). *Beginning to read: Thinking and learning about print*. Cambridge: MIT Press.

Adams, M., Foorman, B., Lundberg, L. & Beeler, T. (1998). The elusive phoneme. *American Educator*, 22 (1 & 2), 18-29.

Armstrong, T. (1994). *Multiple intelligences in the classroom*. Alexandria, VA: ASCD Publications.

Beck, L., McKeown, M., Hamilton, R., & Kucan, L. (1998). Getting at the meaning. *American Educator*, 22, 66-71, 85.

Blachman, B. (1991). Early intervention for children's reading problems: Clinical applications of the research in phonological awareness. *Topics in Language Disorders, 12* (1), 51-65.

Birsh, J. R. (1999). *Multisensory teaching of basic language skills*. Baltimore, MD: Brookes.

Cain, R. N., & Caine, G. (1991, 1994). *Making connections: Teaching and the human brain*. Menlo Park, CA: Innovative Learning Publications.

Clark, D., & Uhry, J. (Eds.). (1995). *Dyslexia: Theory and practice of remedial instruction*. (2nd ed.). Baltimore: York Press.

Cunningham, A., & Stanovich, K. (1998). What reading does for the mind. *American Educator*, 22 (1 & 2), 8-15.

Cunningham, P., & Allington, R. (1994). *Classrooms that work: They can all read and write*. New York: Harper Collins College Publishers.

Fox, B. (1996). *Strategies for word identification: Phonics from a new perspective*. Englewood Cliffs, NJ: Prentice-Hall.

Goldsworthy, C. L. (1996). *Developmental reading disabilities: A language based approach*. San Diego, CA: Singular.

Guszak, F. (1992). *Reading for students with special needs*. Dubuque, IA: Kendall/Hunt.

Healy, J. (1990). *Endangered minds: Why children don't think and what we can do about it*. New York: Touchstone.

Hume, C., & Snowling, M. (Eds.). (1994). *Reading development and dyslexia*. San Diego, CA: Singular.

Levine, M. (1994). *Educational care: A system for understanding and helping children with learning problems at home and in school*. Cambridge, MA: Educators Publishing Service.

Lyon, G. R. (1995). Toward a definition of dyslexia. *Annals of Dyslexia*, 45, 3-27.

Meyer, M. S., & Felton, R. H. (1999). Repeated reading to enhance fluency: Old approaches and new directions. *Annals of Dyslexia*, 49, 283-306

Moats, L. (1998). Teaching decoding. *American Educator*, 22 (1&2), 42-49, 95.

Moats, L. (2000). *Language essentials for teachers*. Baltimore, MD: Brookes.

Putnam, L. R. (1996). *How to become a better reading teacher: Strategies for assessment and intervention*. Englewood Cliffs, NJ: Prentice-Hall, Inc.

Shaywitz, S. (1998). Dyslexia. *New England Journal of Medicine*, 338, 307-311.

Shaywitz, S. (1996). Dyslexia. *Scientific American*, 275, 98-104.

Snow, C. E., Burns, M. S., and Griffin, P. (1998). *Prevention of Reading Difficulties in Young Children*. Washington, DC: National Academy Press.

Stanovich, K. (1986). Matthew effects in reading: Some consequences of individual differences in the acquisition of literacy. *Reading Research Quarterly, 21*, 38-44.

Stanovich, K. (1988). *Children's reading and the development of phonological awareness*. Detroit, MI: Wayne State University.

Torgesen, J. (1998). Catch them before they fall. *American Educator*, 22 (1 & 2), 32-39.

Torgesen, J., & Mathes P. G., (2000). *A basic guide to understanding, assessing, and teaching phonological awareness*. Austin, TX: Pro-Ed.

Vail, P. (1990). *About dyslexia: Unraveling the myth*. Rosemont, NJ: Modern Learning Press.

Vail, P. (1987). *Smart kids with school problems: Things to know and ways to help*. New York: New American Library.

Valentine, F. (1987). Dyslexia. *Scientific American*, 256, 34-41.

Appendix G: Rehabilitation Act of 1973, §504 (Federal Law)

TITLE 34-EDUCATION

SUBTITLE B - REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER I—OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 104—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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APPENDIX A TO PART 104—ANALYSIS OF FINAL REGULATION

APPENDIX B TO PART 104—GUIDELINES FOR ELIMINATING DISCRIMINATION AND DENIAL OF SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, AND HANDICAP IN VOCATIONAL EDUCATION PROGRAMS [NOTE]

AUTHORITY: 20 U.S.C. 1405; 29 U.S.C. 794.

SOURCE: 45 FR 30936, May 9, 1980, unless otherwise noted.

Subpart A—General Provisions

§104.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§104.2 Application.

This part applies to each recipient of Federal financial assistance from the Department of Education and to the program or activity that receives such assistance.

§104.3 Definitions.

As used in this part, the term:

(a) *The Act* means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794.

(b) *Section 504* means section 504 of the Act.

(c) *Education of the Handicapped Act* means that statute as amended by the Education for all Handicapped Children Act of 1975, Pub. L. 94-142, 20 U.S.C. 1401 et seq.

(d) *Department* means the Department of Education.

(e) *Assistant Secretary* means the Assistant Secretary for Civil Rights of the Department of Education.

(f) *Recipient* means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) *Applicant for assistance* means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) *Federal financial assistance* means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(i) *Facility* means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(j) *Handicapped person*—(1) *Handicapped persons* means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the phrase:

(i) *Physical or mental impairment* means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) *Has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) *Is regarded as having an impairment* means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

(k) *Program or activity* means all of the operations of—

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 8801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (k)(1), (2), or (3) of this section; any part of which is extended Federal financial assistance.

(Authority: 29 U.S.C. 794(b))

(l) *Qualified handicapped person* means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(2) With respect to public preschool elementary, secondary, or adult educational services, a handicappped person (i) of an age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to handicapped persons, or (iii) to whom a state is required to provide a free appropriate public education under section 612 of the Education of the Handicapped Act; and

(3) With respect to postsecondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity;

(4) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(m) *Handicap* means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j) of this section.

§104.4 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program or activity;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different aid, benefits, or services provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such aid, benefits, or services that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program or activity with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or service provided under a program or activity receiving Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(c) *Aid, benefits or services limited by Federal law.* The exclusion of nonhandicapped persons from aid, benefits, or services limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from aid, benefits, or services limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

§104.5 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance to which this part applies shall submit an assurance, on a form specified by the Assistant Secretary, that the program or activity will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (b)(2) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the covenant shall also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Assistant Secretary may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§104.6 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Assistant Secretary, where appropriate, may require either or both recipients to take remedial action.

(3) The Assistant Secretary may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program or activity but who were participants in the program or activity when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program or activity had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this part; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Assistant Secretary upon request:

(i) A list of the interested persons consulted,

(ii) A description of areas examined and any problems identified, and

(iii) A description of any modifications made and of any remedial steps taken.

§104.7 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§104.8 Notice.

(a) A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program or activity. The notification shall also include an identification of the responsible employee designated pursuant to § 104.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§104.9 Administrative requirements for small recipients.

The Assistant Secretary may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§ 104.7 and 104.8, in whole or in part, when the Assistant Secretary finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§104.10 Effect of state or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

Subpart C—Accessibility

§104.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§104.22 Existing facilities.

(a) *Accessibility.* A recipient shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 104.23, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that serve handicapped persons in the most integrated setting appropriate.

(c) *Small health, welfare, or other social service providers.* If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services that are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicappped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full accessibility in order to comply with paragraph (a) of this section and, if the time period of the transition plan is longer than one year, identify the steps of that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usuable by handicapped persons.

§104.23 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *Conformance with Uniform Federal Accessibility Standards.* (1) Effective as of January 18, 1991, design, construction, or alteration of buildings in conformance with sections 3-8 of the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101-19.6) shall be deemed to comply with the requirements of this section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

(2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of persons with phusical handicaps.

(3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

[45 FR 30936, May 9, 1980; 45 FR 37426, June 3, 1980, as amended at 55 FR 52138, 52141, Dec. 19, 1990]

Subpart D—Preschool, Elementary, and Secondary Education

§104.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs or activities that receive Federal financial assistance and to recipients that operate, or that receive Federal financial assistance for the operation of, such programs or activities.

§104.32 Location and notification.

A recipient that operates a public elementary or secondary education program or activity shall annually:

(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and

(b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

§104.33 Free appropriate public education.

(a) *General.* A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) *Appropriate education.* (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36.

(2) Implementation of an Individualized Education Program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.

(3) A recipient may place a handicapped person or refer such a person for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

(c) *Free education*—(1) *General.* For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for those fees that are imposed on non-handicapped persons or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the aid, benefits, or services. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a handicapped person.

(2) *Transportation.* If a recipient places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the recipient as its means of carrying out the requirements of this subpart, the recipient shall ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the aid, benefits, or services operated by the recipient.

(3) *Residential placement.* If a public or private residential placement is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the placement, including non-medical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

(4) *Placement of handicapped persons by parents.* If a recipient has made available, in conformance with the requirements of this section and §104.34, a free appropriate public education to a handicapped person and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made a free appropriate public education available or otherwise regarding the question of financial responsibility are subject to the due process procedures of §104.36.

(d) *Compliance.* A recipient may not exclude any qualified handicapped person from a public elementary or secondary education after the effective date of this part. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than September 1, 1978.

§104.34 Educational setting.

(a) *Academic setting.* A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) *Nonacademic settings.* In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 104.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) *Comparable facilities.* If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

§104.35 Evaluation and placement.

(a) *Preplacement evaluation.* A recipient that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is belived to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

(b) *Evaluation procedures.* A recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which ensure that:

(1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

(3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(c) *Placement procedures.* In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is made in conformity with §104.34.

(d) *Reevaluation.* A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act is one means of meeting this requirement.

§104.36 Procedural safeguards.

A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

§104.37 Nonacademic services.

(a) *General.* (1) A recipient to which this subpart applies shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment.

(b) *Counseling services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of §104.34 and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

§104.38 Preschool and adult education.

A recipient to which this subpart applies that provides preschool education or day care or adult education may not, on the basis of handicap, exclude qualified handicapped persons and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided.

§104.39 Private education.

(a) A recipient that provides private elementary or secondary education may not, on the basis of handicap, exclude a qualified handicapped person if the person can, with minor adjustments, be provided an appropriate education, as defined in §104.33(b)(1), within that recipient's program or activity.

(b) A recipient to which this section applies may not charge more for the provision of an appropriate education to handicapped persons than to nonhandicapped persons except to the extent that any additional charge is justified by a substantial increase in cost to the recipient.

(c) A recipient to which this section applies that provides special education shall do so in accordance with the provisions of §§ 104.35 and 104.36. Each recipient to which this section applies is subject to the provisions of §§ 104.34, 104.37, and 104.38.

Subpart G—Procedures

§104.61 Procedures.

The procedural provisions applicable to title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 100.6-100.10 and part 101 of this title.

23. *Free appropriate public education.* Under 104.33(a), a recipient is responsible for providing a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction. The word "in" encompasses the concepts of both domicile and actual residence. If a recipient places a child in a program other than its own, it remains financially responsible for the child, whether or not the other program is operated by another recipient or educational agency. Moreover, a recipient may not place a child in a program that is inappropriate or that otherwise violates the requirements of Subpart D. And in no case may a recipient refuse to provide services to a handicapped child in its jurisdiction because of another person's or entity's failure to assume financial responsibility.

Section 104.33(b) concerns the provision of appropriate educational services to handicapped children. To be appropriate, such services must be designed to meet handicapped children's individual educational needs to the same extent that those of nonhandicapped children are met. An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions and may be accompanied by such related services as developmental, corrective, and other supportive services (including psychological, counseling, and medical diagnostic services). The placement of the child must however, be consistent with the requirements of 104.34 and be suited to his or her educational needs.

The quality of the educational services provided to handicapped students must equal that of the services provided to nonhandicapped students; thus, handicapped student's teachers must be trained in the instruction of persons with the handicap in question and appropriate materials and equipment must be available. The Department is aware that the supply of adequately trained teachers may, at least at the outset of the imposition of this requirement, be insufficient to meet the demand of all recipients. This factor will be considered in determining the appropriateness of the remedy for noncompliance with this section. A new 104.33(b)(2) has been added, which allows this requirement to be met through the full implementation of an individualized education program developed in accordance with the standards of the EHA.

Paragraph (c) of 104.33 sets forth the specific financial obligations of a recipient. If a recipient does not itself provide handicapped persons with the requisite services, it must assume the cost of any alternate placement. If, however, a recipient offers adequate services and if alternate placement is chosen by a student's parent or guardian, the recipient need not assume the cost of the outside services. (If the parent or guardian believes that his or her child cannot be suitably educated in the recipient's program, he or she may make use of the procedures established in 104.36.) Under this paragraph, a recipient's obligation extends beyond the provision of tuition payments in the case of placement outside the regular program. Adequate transportation must also be provided. Recipients must also pay for psychological services and those medical services necessary for diagnostic and evaluative purposes.

If the recipient places a student, because of his or her handicap, in a program that necessitates his or her being away from home, the payments must also cover room and board and nonmedical care (including custodial and supervisory care). When residential care is necessitated not by the student's handicap but by factors such as the student's home conditions, the recipient is not required to pay the cost of room and board.

Two new sentences have been added to paragraph (c)(1) to make clear that a recipient's financial obligations need not be met solely through its own funds. Recipients may rely on funds from any public or private source including insurers and similar third parties.

The EHA requires a free appropriate education to be provided to handicapped children "no later than September 1, 1978," but Section 504 contains no authority for delaying enforcement. To resolve this problem, a new paragraph (d) has been added to 104.33. Section 104.33(d) requires recipients to achieve full compliance with the free appropriate public education requirements of 104.33 as expeditiously as possible, but in no event later than September 1, 1978. The provision also makes clear that, as of the effective date of this regulation, no recipient may exclude a qualified handicapped child from its educational program. This provision against exclusion is consistent with the order of providing services set forth in Section 612(3) of the EHA, which places the highest priority on providing services to handicapped children who are not receiving an education.

24. *Educational setting.* Section 104.34 prescribes standards for educating handicapped persons with nonhandicapped persons to the maximum extent appropriate to the needs of the handicapped person in question. A handicapped student may be removed from the regular educational setting only where the recipient can show that the needs of the student would, on balance, be served by placement in another setting.

Although under 104.34, the needs of the handicapped person are determinative as to proper placement, it should be stressed that, where a handicapped student is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs and would not be required by 104.34.

Among the factors to be considered in placing a child is the need to place the child as close to home as possible. A new sentence has been added to paragraph (a) requiring recipients to take this factor into account. As pointed out in several comments, the parents' right under 104.36 to challenge the placement of their child extends not only to placement in special classes or separate schools but also to placement in a distant school and, in particular, to residential placement. An equally appropriate educational program may exist closer to home; this issue may be raised by the parent or guardian under 104.34 and 104.36.

New paragraph (b) specified that handicapped children must also be provided nonacademic services in as integrated a setting as possible. This requirement is especially important for children whose educational needs necessitate their being solely with other handicapped children during most of each day. To the maximum extent appropriate, children in residential settings are also to be provided opportunities for participation with other children.

Section 104.34(c) requires that any facilities that are identifiable as being for handicapped students be comparable in quality to other facilities of the recipient. A number of comments objected to this section on the basis that it encourages the creation and maintenance of such facilities. This is not the intent of the provision. A separate facility violates Section 504 unless it is indeed necessary to the provision of an appropriate education to certain handicapped students. In those instances in which such facilities are necessary (as might be the case, for example, for severely retarded persons), this provision requires that the educational services provided be comparable to those provided in the facilities of the recipient that are not identifiable as being for handicapped persons.

25. *Evaluation and placement.* Because the failure to provide handicapped persons with an appropriate education is so frequently the result of misclassification or misplacement, 104.33(b)(1) makes compliance with its provisions contingent upon adherence to certain procedures designed to ensure appropriate classification and placement. These procedures, delineated in 104.35 and 104.36, are concerned with testing and other evaluation methods and with procedural due process rights.

Section 104.35(a) requires that an individual evaluation be conducted before any action is taken with respect either to the initial placement of a handicapped child in a regular or special education program or to any subsequent significant change in that placement. Thus, a full reevaluation is not required every time an adjustment in placement is made. "Any action" includes denials of placement.

Paragraphs (b) and (c) of 104.35 establishes procedures designed to ensure that children are not misclassified, unnecessarily labeled as being handicapped, or incorrectly placed because of inappropriate selection, administration, or interpretation of evaluation materials. This problem has been extensively documented in "Issues in the Classification of Children," a report by the Project on Classification of Exceptional Children, in which the HEW Interagency Task Force participated. The provisions of these paragraphs are aimed primarily at abuses in the placement process that result from misuse of, or undue or misplaced reliance on, standardized scholastic aptitude tests.

Paragraph (b) has been shortened but not substantively changed. The requirement in former subparagraph (1) that recipients provide and administer evaluation materials in the native language of the student has been deleted as unnecessary, since the same requirement already exists under Title VI and is more appropriately covered under that statute. Paragraphs (1) and (2) are, in general, intended to prevent misinterpretation and similar misuse of test scores and, in particular, to avoid undue reliance on general intelligence tests. Subparagraph (3) requires a recipient to administer tests to a student with impaired sensory, manual, or speaking skills in whatever manner is necessary to avoid distortion of the test results by the impairment. Former subparagraph (4) has been deleted as unnecessarily repetitive of the other provisions of this paragraph.

Paragraph (c) requires a recipient to draw upon a variety of sources in the evaluation process so that the possibility of error in classification is minimized. In particular, it requires that all significant factors relating to the learning process, including adaptive behavior, be considered. (Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.) Information from all sources must be documented and considered by a group of persons, and the procedure must ensure that the child is placed in the most integrated setting appropriate.

The proposed regulation would have required a complete individual reevaluation of the student each year. The Department has concluded that it is inappropriate in the Section 504 regulation to require full reevaluations on such a rigid schedule. Accordingly, 104.35(c) requires periodic reevaluations and specifies that reevaluations in accordance with the EHA will constitute compliance. The proposed regulation implementing the EHA allows reevaluation at three-year intervals except under certain specified circumstances.

Under 104.36, a recipient must establish a system of due process procedures to be afforded to parents or guardians before the recipient takes any action regarding the identification, evaluation, or educational placement of a person who, because of handicap, needs or is believed to need special education or related services. This section has been revised. Because the due process procedures of the EHA, incorporated by reference in the proposed Section 504 regulation, are inappropriate for some recipients not subject to that Act, the section now specifies minimum necessary procedures: notice, a right to inspect records, an impartial hearing with a right to representation by counsel, and a review procedure. The EHA procedures remain one means of meeting the regulation's due process requirements, however, and are recommended to recipients as a model.

26. *Nonacademic services.* Section 104.37 requires a recipient to provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation. Because these services and activities are part of a recipient's education program, they must, in accordance with the provisions of 104.34, be provided in the most integrated setting appropriate.

Revised paragraph (c)(2) does permit separation or differentiation with respect to the provision of physical education and athletics activities, but only if qualified handicapped students are also allowed the opportunity to compete for regular teams or participate in regular activities. Most handicapped students are able to participate in one or more regular physical education and athletics activities.

Finally, the one-year transition period provided in a proposed section was deleted in response to the almost unanimous objection of commenters to that provision.

27. *Preschool and adult education.* Section 104.38 prohibits discrimination on the basis of handicap in preschool and adult education programs. Former paragraph (b), which emphasized that compensatory programs for disadvantaged children are subject to Section 504, has been deleted as unnecessary, since it is comprehended by paragraph (a).

28. *Private education.* Section 104.39 sets forth the requirements applicable to recipients that operate private education programs and activities. The obligations of these recipients have been changed in two significant respects: first, private schools are subject to the evaluation and due process provisions of the subpart only if they operate special education programs; second, under 104.39(b), they may charge more for providing services to handicapped students than to nonhandicapped students to the extent that additional charges can be justified by increased costs.

Paragraph (a) of 104.39 is intended to make clear that recipients that operate private education programs and activities are not required to provide an appropriate education to handicapped students with special educational needs if the recipient does not offer programs designed to meet those needs. Thus, a private school that has no program for mentally retarded persons is neither required to admit such a person into its program nor to arrange or pay for the provision of the person's education in another program. A private recipient without a special program for blind students, however, would not be permitted to exclude, on the basis of blindness, a blind applicant who is able to participate in the regular program with minor adjustments in the manner in which the program is normally offered.

Appendix H: Texas Education Code §38.003 (State Law)

§38.003. Screening and Treatment for Dyslexia and Related Disorders

(a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.

(b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.

(c) The State Board of Education shall adopt any rules and standards necessary to administer this section.

(d) In this section:

(1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

(2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

Appendix I: Texas Education Code §28.006 (State Law)

§ 28.006. Reading Diagnosis

(a) The commissioner shall develop recommendations for school districts for:

(1) administering reading instruments to diagnose student reading development and comprehension;

(2) training educators in administering the reading instruments; and

(3) applying the results of the reading instruments to the instructional program.

(b) The commissioner shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in addition to the reading instruments on the commissioner's list. Each reading instrument adopted by the commissioner or a district-level committee must be based on scientific research concerning reading skills development and reading comprehension. A list of reading instruments adopted under this subsection must provide for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29.

(c) Each school district shall administer, at the kindergarten and first and second grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).

(d) The superintendent of each school district shall:

(1) report to the commissioner and the board of trustees of the district the results of the reading instruments; and

(2) report, in writing, to a student's parent or guardian the student's results on the reading instrument.

(e) The results of reading instruments administered under this section may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under Chapter 39.

(f) This section may be implemented only if funds are appropriated for administering the reading instruments. Funds, other than local funds, may be used to pay the cost of administering a reading instrument only if the instrument is on the list adopted by the commissioner.

(g) A school district shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter B, Chapter 29, and who does not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an accelerated reading instruction program under this subsection.

(h) The school district shall make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language.

(i) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds.

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.051(b)(7) and may implement sanctions under Subchapter G, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(k) The provisions of this section relating to parental notification of a student's results on the reading instrument and to implementation of an accelerated reading instruction program may be implemented only if the commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program specified under this section.

Text of subsection (l) effective until January 1, 2002

(l) Each district shall provide the accelerated reading instruction under Subsection (g) to students in:

(1) kindergarten during the 1999-2000 school year;

(2) kindergarten and first grade during the 2000-2001 school year; and

(3) kindergarten and first and second grades beginning with the 2001-2002 school year.

Text of subsection (m) effective until January 1, 2002

(m) Subsection (l) and this subsection expire January 1, 2002.

Added by Acts 1997, 75th Leg., ch. 397, § 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 396, § 2.11, eff. Sept. 1, 1999.

Appendix J: Texas Administrative Code §74.28 (State Board of Education Rule)

§74.28. Students with Dyslexia and Related Disorders.

(a) The board of trustees of a school district must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student are implemented in the district. These procedures will be monitored by the Texas Education Agency (TEA) with on-site visits conducted as appropriate.

(b) A school district's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, and techniques for treating, dyslexia and related disorders. The strategies and techniques are described in "Procedures Concerning Dyslexia and Related Disorders," a set of flexible guidelines for local districts that may be modified by SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. Screening should only be done by individuals/professionals who are trained to assess students for dyslexia and related disorders.

(c) A school district may purchase a reading program or develop its own reading program for students with dyslexia and related disorders, as long as the program is characterized by the descriptors found in "Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies which utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Procedures Concerning Dyslexia and Related Disorders" and in the professional development activities specified by each district and/or campus planning and decision making committee.

(d) Before an identification or assessment procedure is used selectively with an individual student, the school district must notify the student's parent or guardian or another person standing in parental relation to the student.

(e) Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, must be informed of all services and options available to the student under that federal statute.

(f) Each school must provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The school district may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.

(g) Because early intervention is critical, a program for early identification, intervention, and support for students with dyslexia and related disorders must be available in each district as outlined in the "Procedures Concerning Dyslexia and Related Disorders."

(h) Each school district may provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program should include: awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modification, especially modifications allowed on standardized testing.

Source: The provisions of this §74.28 adopted to be effective September 1, 1996, 21 TexReg 4311.

Compliance Statement

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a nonsegregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/ Affirmative Action employer.

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February 2001

EC

MANUAL SOBRE LA DISLEXIA

Procedimientos Relacionados Con La Dislexia Y Otros Desórdenes

Agencia de Educación de Texas • Austin, Texas • Febrero del 2001

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Manual Sobre La Dislexia

Procedimientos Relacionados Con La Dislexia Y Otros Desórdenes

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Austin, Texas
Febrero del 2001

Prólogo

El manual sobre la dislexia: Procedimientos relacionados con la dislexia y otros desórdenes, incluye los procedimientos relacionados con la dislexia y otros desórdenes aprobados por el La junta estatal de educación del Estado. El manual constituye una guía que los distritos escolares pueden seguir, a medida que identifican y proporcionan servicios a los estudiantes con dislexia. Además, el manual proporciona información tanto a los distritos escolares como a los padres de familia, sobre las políticas estatales relativas a la dislexia y a su relación con las leyes federales, como el Acta de Rehabilitación de 1973, capítulo §504, y el Acta de Individuos con Discapacidades (IDEA.)

El La junta estatal de educación del Estado, aprobó en 1992 y revisó en 1998 un conjunto de pasos a seguir relacionados con la dislexia y otros desórdenes, en un documento titulado *Procedimientos revisados sobre la dislexia y otros desórdenes. El Manual sobre la dislexia: Procedimientos relacionados con la dislexia y otros desórdenes* fue revisado por el La junta estatal de educación del Estado en el año 2001 y substituye todos los manuales y guías previas. El manual no presenta cambios legales ni de procedimientos, por el contrario, tiene el propósito de clarificar el vocabulario relativo a la identificación y evaluación de los estudiantes con dislexia y de reorganizar los procedimientos. En las secciones que así lo permiten, los procedimientos se presentan organizados en forma secuencial, con el objeto de ayudar a que los distritos escolares y las escuelas subvencionadas sigan dicha secuencia, al desarrollar sus procedimientos.

Además, junto con el presente manual, cada centro de servicios de educación del estado, ha designado a una persona encargada de proporcionar asistencia a los distritos escolares y a las escuelas, en la implementación de la ley estatal y las regulaciones del La junta estatal de educación del Estado sobre la dislexia. El manual incluye los números telefónicos de todas las personas encargadas en los diferentes centros de servicios de educación de Texas.

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Arturo Almendarez
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Esta publicación fue revisada por el personal de la división de currículum y desarrollo profesional de la agencia de educación de Texas.

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Prefacio

Aquellos estudiantes que a pesar de recibir una instrucción educacional convencional o intensa continúan teniendo problemas para leer, reciben en el estado de Texas apoyo de sistemas organizados para mejorar el proceso de la lectura.

Algunos estudiantes tienen bastantes problemas durante las primeras etapas de la adquisición de la lectura. Otros, muestran dificultad en las etapas más avanzadas, especialmente cuando se enfrentan a expresiones lingüísticas más complejas (Ej., lectura de textos, gramática.) Algunos estudiantes no son hablantes nativos del inglés y tienen problemas al leer en su lengua materna, como también los que están aprendiendo inglés como segundo idioma, los cuales han adquirido sólo dominio oral del lenguaje y tienen problemas en el área de la lectura. Muchos de estos estudiantes tienen dificultad al leer debido a la dislexia. Esto incluye estudiantes de todos los grados escolares, aquellos para los cuales el inglés no es su lengua materna y los que están estudiando el inglés como segundo idioma.

El propósito de este manual que contiene procedimientos relacionados con la dislexia, es proporcionar apoyo a los distritos escolares, escuelas, docentes y padres de familia, en la identificación e instrucción educacional de los estudiantes con dislexia. Este manual les será de mucha utilidad a los distritos escolares y a las escuelas subvencionadas, cuando deban escribir los procedimientos para servir a los estudiantes con dislexia. Junto con incorporar los procedimientos de leyes estatales y federales, los distritos y las escuelas subvencionadas deben tomar en cuenta las necesidades individuales de los estudiantes que reciben apoyo en dichas instituciones.

En el estado de Texas, la identificación e instrucción de los estudiantes con dislexia y otros desórdenes son obligatorias y se rigen por dos estatutos y una regulación. El Código de Educación de Texas (TEC), capítulo §38.003, define el término dislexia y otros desórdenes, requiere que todos los estudiantes con dislexia sean evaluados y que se les proporcione instrucción educacional y también autoriza al La junta estatal de educación del Estado, para que adopte reglas y estándares apropiados para examinar y educar a dichos estudiantes.

El Código Administrativo de Texas (TAC), sección 19 del capítulo §74.28 estipula las responsabilidades de los distritos escolares y de las escuelas subvencionadas, en cuanto a la entrega de servicios a los estudiantes con dislexia. Finalmente, el Acta de Rehabilitación de 1973, capítulo §504, establece los procedimientos y estándares de examinación y evaluación para los estudiantes con dislexia. Los procedimientos del capítulo §504, se implementan sólo cuando la evaluación determina que la dislexia impide el aprendizaje.

Además de la regulación y estatutos relativos a la dislexia, el La junta estatal de educación del Estado aprobó en el año 1992 y revisó en 1998 un conjunto de pasos a seguir relacionados con la dislexia y otros desórdenes en un documento titulado *Procedimientos revisados sobre la dislexia y otros desórdenes*. El presente manual substituye todos los manuales y guías previas. Este manual no presenta cambios ni legales ni de procedimientos, por lo contrario, tiene el propósito de clarificar el vocabulario relativo a la identificación y evaluación de los estudiantes con dislexia y de reorganizar los procedimientos. En las secciones que así lo permiten, los procedimientos se presentan organizados en forma secuencial, con el objeto de ayudar a que los distritos escolares y las escuelas subvencionadas sigan dicha secuencia al desarrollar sus procedimientos.

Los capítulos en este manual incluyen lo siguiente:

I. Definiciónes y características de la dislexia

II. Asuntos relacionados con los instrumentos de evaluación para los grados de kindergarten, primero, segundo, tercero y cuarto

III. Procedimientos y medidas para la evaluación de estudiantes con posible dislexia

IV. Identificación de los estudiantes con dislexia

V. Instrucción educacional para los estudiantes con dislexia

VI. Capacitación profesional para los docentes que sirven a estudiantes con dislexia

VII. Recomendaciones para programas de educación especial

El manual sobre la dislexia se compone de diez apéndices: un esquema de procedimientos, ajustes para la examinación del instrumento de evaluación de Texas; que mide conocimientos y destrezas esenciales (TAAS), un glosario de términos, una sección de preguntas y respuestas, contactos para adquirir información adicional, publicaciones sobre la dislexia, el Acta de Rehabilitación de 1973, capítulos §504, capítulos §38.003 y §28.006 del Código de Educación de Texas y la sección 19 del capítulo §74.28 del Código Administrativo de Texas.

I. DEFINICIONES Y CARACTERÍSTICAS DE LA DISLEXIA

Un estudiante que presenta dificultad para leer, escribir o deletrear palabras, frecuentemente es motivo de preocupación de maestros y padres de familia. Dicho estudiante demuestra un grado de inteligencia adecuado y recibe el mismo tipo de instrucción en el salón de clases que beneficiaría a la mayoría de los estudiantes, pero aún presenta problemas cuando se enfrenta a muchas facetas relacionadas con la lectura, escritura y deletreo de palabras. Este estudiante podría ser identificado como un estudiante con dislexia. Como lo define el Código de Educación de Texas, capítulo §38.003:

(1) "*Dislexia*" se define como un desorden de origen constitucional, que se manifiesta con dificultades para aprender a leer, escribir o deletrear a pesar de recibir una instrucción educacional convencional, poseer una inteligencia adecuada y disponer de oportunidades socioculturales.

(2) "*Otros desórdenes*" esta definición incluye desórdenes similares o relacionados con la dislexia tales como: impercepción auditiva en desarrollo, disfasia, dislexia específica en desarrollo, disgrafía en desarrollo y discapacidad para deletrear en desarrollo.

La definición formal de la Asociación Internacional de Dislexia estipula que:

> La dislexia es una de las muchas y diferentes discapacidades del aprendizaje. Es un desorden de tipo lingüístico, de origen constitucional que se caracteriza por la dificultad para decodificar una sola palabra, lo que usualmente refleja carencia del proceso fonológico. Este tipo de dificultad, por lo general, no se considera normal para la edad o en comparación a otras habilidades académicas o cognitivas; no es el resultado de una discapacidad generalizada en desarrollo o de un deterioro sensorial. La dislexia se manifiesta a través de diferentes tipos de dificultades con las formas del lenguaje, como también se manifiesta en problemas para leer, escribir y deletrear. *(Comité de Investigación de la Asociación Internacional de Dislexia en colaboración con el Centro Nacional de Discapacidades del Aprendizaje y el Instituto Nacional de Salud Infantil y Desarrollo Humano, abril 1994.)*

Las dificultades de un estudiante identificado como disléxico, ocurren al nivel de la conciencia fonológica y de la manipulación, de la decodificación de una sola palabra, de la fluidez en la lectura, de la comprensión de lectura, del deletreo y/o de la expresión escrita. Estos tipos de problemas no siempre se consideran normales para la edad, nivel educacional o habilidades cognitivas del estudiante. Además, siempre existe un **historial familiar** donde se presentan dificultades similares.

Las siguientes son características de la dislexia que se presentan al leer, escribir o deletrear:
- Dificultad para leer una sola palabra por separado;
- Dificultad para decodificar en forma precisa, palabras poco familiares o sin sentido;
- Dificultad para leer, lectura lenta y poco precisa (falta de fluidez al leer); y/o
- Dificultad para aprender a deletrear.

Las características de la dislexia que se presentan al leer, escribir o deletrear son el resultado de:
- Dificultad con el desarrollo de la conciencia fonológica, incluyendo segmentación, combinación de sílabas y la manipulación de los sonidos en las palabras;
- Dificultad para aprender los nombres de las letras y relacionar los nombres con los sonidos;
- Dificultad para desarrollar memoria fonológica (guardar información de palabras y sonidos en la memoria); y/o
- Dificultad para nombrar en forma rápida objetos familiares, colores o letras del alfabeto.

Las características de la dislexia que se presentan al leer, escribir o deletrear conducen a:
- Grados variables de dificultad para reconocer palabras por separado o dentro de un contexto;
- Dificultad variable en aspectos de la comprensión de lectura;
- Dificultad variable en aspectos de la expresión escrita; y/o
- Ocupar un tiempo muy limitado en actividades de lectura.

II. ASUNTOS RELACIONADOS CON LOS INSTRUMENTOS DE LECTURA PARA KINDERGARTEN, PRIMERO Y SEGUNDO

Algunos estudiantes tienen problemas durante las primeras etapas de la enseñanza de la lectura. Existen dos formas de asistencia disponibles para estos estudiantes: la primera, es a través del Código de Educación de Texas, capítulo §28.006 y la segunda, una recomendación para que el estudiante sea examinado por posible dislexia. Estas dos formas de asistencia, no son secuenciales y se determinan después de haber evaluado las necesidades de lectura de los estudiantes.

La fuente más común de asistencia instruccional para los estudiantes que tienen dificultades para leer a temprana edad, es a través del Código de Educación de Texas, capítulo §28.006. Los distritos escolares y las escuelas subvencionadas, están autorizados para administrar exámenes de lectura temprana a todos los estudiantes de kindergarten, primero y segundo, con el objeto de diagnosticar su desarrollo y comprensión de lectura. (Para los estudiantes en programas de educación especial, vea el capítulo §28.006, sección (g) del Código de Educación de Texas.) En caso que los estudiantes, después de ser evaluados, se determine que están en peligro de tener dislexia, los distritos y las escuelas subvencionadas, deben avisar a los padres o tutores legales de los estudiantes, sobre dicha determinación. De acuerdo con el capítulo §28.006, los distritos o escuelas subvencionadas deben desarrollar un programa de lectura intensivo, que enfatice las dificultades que los estudiantes tienen al leer y que los ubique al mismo nivel de lectura que sus compañeros de clase.

Durante los grados de kindergarten, primero y segundo, algunos estudiantes presentan características de dislexia o pueden tener dificultad al leer, escribir o deletrear durante la intensiva instrucción de lectura requerida en el capítulo §28.006. Los distritos escolares o las escuelas subvencionadas, deben dar inicio a los procedimientos de recomendación para que dichos estudiantes sean examinados por posible dislexia. Los exámenes de lectura temprana pueden o no ser parte de los instrumentos de evaluación, que deben usarse para determinar dislexia, como tampoco son la única forma de evaluación.

III. PROCEDIMIENTOS Y MEDIDAS PARA LA EVALUACIÓN DE ESTUDIANTES CON POSIBLE DISLEXIA

Los distritos escolares y las escuelas subvencionadas, deben escribir procedimientos para recomendar la examinación de estudiantes con posible dislexia dentro de los parámetros de la educación regular. A la vez que los distritos y las escuelas cumplen regulaciones federales y estatales, deben escribir procedimientos que enfaticen las necesidades de los estudiantes. Se debe comenzar, escribiendo los procedimientos para los estudiantes que continúan teniendo dificultades con uno o más componentes de la lectura.

Además, los distritos y las escuelas subvencionadas deben recolectar información adicional, cada vez que un estudiante comience a tener problemas en uno o más de los componentes de la lectura. Esta información, es usada para evaluar el progreso académico del estudiante y determinar las acciones necesarias para asegurar un mejor desarrollo en dicha área. Parte de la información recolectada, se encuentra en la carpeta escolar del estudiante y el resto de esta información está disponible para los docentes y los padres del estudiante. La información es el resultado de lo siguiente:

- Examen de la vista (este examen es conducido en la escuela);
- Examen del oído (este examen es conducido en la escuela);
- Problemas detectados y reportados por el docente;
- Evaluación de libros de lectura general;
- Modificaciones y ajustes instruccionales hechos por el docente;
- Reporte de calificaciones;
- Ejemplos de tareas;
- Información de reuniones con los padres del estudiante;
- Exámenes para determinar el dominio del idioma inglés;
- Exámenes (por recomendación) del habla y del desarrollo del lenguaje;
- Exámenes de lecturas para kindergarten, primero y segundo requeridos en el capítulo §28.006 del Código de Educación de Texas; y/o
- Programas de evaluación requeridos por el estado, así descrito en el capítulo §39.022, del Código de Educación de Texas.

Entre las acciones a seguir que los distritos y escuelas privadas tienen disponibles para los estudiantes, está la recomendación para que el estudiante sea examinado por posible dislexia. El distrito o escuela recomienda dicha evaluación, si el estudiante presenta las siguientes características:

- Rendimiento bajo en una o más áreas de la lectura y/o en las áreas de escritura y de deletreo, en relación con su edad y grado escolar; y
- Alguna o todas las características encontradas en la dislexia.

Al recomendar que un estudiante sea examinado por posible dislexia, el distrito o la escuela subvencionada ejecuta los siguientes procedimientos:

Procedimientos

Los estudiantes matriculados en escuelas públicas de Texas, deben ser evaluados por posible dislexia, cuando sea apropiado, como lo estipula el capítulo §38.003, sección (a) del Código de Educación de Texas. El momento apropiado, depende de múltiples factores los cuales incluyen: el desarrollo de la lectura del estudiante, dificultades para leer, bajo rendimiento en programas adicionales de la enseñanza de la lectura (en caso que el estudiante participe en tales programas) y recomendación de los docentes y de los padres. Además, el momento mejor para dicha evaluación, como lo estipula el capítulo §74.28 del Código Administrativo de Texas, es durante los primeros años escolares del estudiante, mientras antes mejor. Aunque

III. PROCEDIMIENTOS Y MEDIDAS PARA LA EVALUACIÓN DE ESTUDIANTES CON POSIBLE DISLEXIA *(continued)*

la evaluación temprana es más aconsejable, los estudiantes también pueden recibir una recomendación para ser examinados si las dificultades se presentan en grados escolares superiores.

Los procedimientos deben incluir lo siguiente:

- Informar a los padres o tutores legales del estudiante sobre la propuesta de examinación (así requerido en el capítulo de ley §504);
- Informar a los padres o tutores legales sobre sus derechos de acuerdo al capítulo de ley §504;
- Obtener autorización de los padres o tutores legales para proceder a examinar al estudiante; y
- Conducir exámenes administrados por personal calificado y previamente capacitado, en instrumentos para evaluar la dislexia y otros desórdenes (así requerido en la sección 19 del capítulo §74.28 del Código Administrativo de Texas.)

Los exámenes, evaluaciones y otros instrumentos de evaluación deben:

- Ser validados para el propósito específico para el cual se usan (Ley 504);
- Incluir el contenido diseñado para examinar áreas específicas de necesidad educacional y no solamente los materiales diseñados para proporcionar un coeficiente único de inteligencia general. (Ley §504);
- Ser selectivos, de modo que si se administra un examen a un estudiante con deterioro sensorial, motriz o del habla, los resultados de dicho examen deberían reflejar la aptitud o nivel de alcance del estudiante o cualquier otro factor que el examen deba medir, más que reflejar el deterioro sensorial, motriz o del habla del estudiante. (Ley §504);
- Incluir diferentes formas de evaluación de las habilidades de lectura del estudiante, tales como instrumentos de evaluación informal (Ej., registros anecdóticos, listas de libros que el estudiante haya leído, cintas grabadas con lecturas orales del estudiante) (Ley §504); y
- Ser administrados por personal capacitado y en conformidad con las instrucciones proporcionadas por el autor del instrumento de evaluación (Ley §504)

Áreas que deben ser evaluadas

Las medidas evaluativas que los distritos y escuelas administren, deben estar basadas en las necesidades educacionales de los estudiantes. Dependiendo de la edad y el nivel de lectura del estudiante, se deberían evaluar las siguientes áreas relacionadas con la lectura:

- Lectura de palabras independientes;
- Decodificación de palabras (reales y de ficción);
- Conciencia fonológica;
- Reconocimiento de palabras (nombres y sonidos que los representan);
- Eficacia para nombrar palabras en forma rápida;
- Fluidez / velocidad y precisión;
- Comprensión de lectura; y/o
- Deletreo de palabras.

Después de analizar las características y dificultades académicas del estudiante, otras áreas que se recomienda evaluar son: el vocabulario, la expresión escrita, el dominio de la letra manuscrita y las matemáticas. Las mismas áreas ya antes mencionadas, pueden ser evaluadas en estudiantes que tengan problemas para leer en su primer idioma. Dichos instrumentos de evaluación deben ser administrados en el idioma nativo de los estudiantes. Esto podría requerir que el personal encargado de evaluar la dislexia, deba trabajar en conjunto con el personal escolar bilingüe, en la administración de los exámenes correspondientes y ambos determinarán si el nivel del rendimiento en el examen es bajo para la edad de dicho estudiante.

IV. IDENTIFICACIÓN DE ESTUDIANTES CON DISLEXIA

Un equipo de profesionales capacitados tiene la responsabilidad de determinar si un estudiante tiene dislexia. Estos profesionales deben poseer conocimiento de:

- El estudiante que va a ser evaluado;
- El proceso de la lectura;
- La dislexia y otros desórdenes;
- Instrucción para tratar la dislexia;
- Regulaciones federales y estatales que los distritos y escuelas subvencionadas deben utilizar para evaluar la dislexia;
- Los instrumentos de evaluación utilizados; y
- El significado de la información recolectada.

Un comité de personal capacitado determina la identificación de la dislexia, después de analizar todos los datos acumulados incluyendo las siguientes áreas:

- Las observaciones de los docentes, padres y personal del distrito o escuela;
- Información registrada en el salón de clases (incluyendo las tareas diarias y los resultados de los exámenes) y también la información que se encuentre en la carpeta escolar del estudiante (incluyendo el historial académico);
- Los resultados de los exámenes; y
- Cualquier otra información que incluya el desarrollo de aprendizaje y las necesidades educacionales del estudiante.

Las dificultades de lectura del estudiante y las características de la dislexia se verán reflejadas o se justificarán, en base al bajo rendimiento que el estudiante demuestre en relación a su edad y nivel educacional, en algunas o en todas las áreas siguientes:

- Lectura de palabras independientes;
- Decodificación de palabras (reales y de ficción);
- Conciencia fonológica;
- Reconocimiento de palabras (nombres y sonidos que los representan);
- Eficacia para nombrar palabras en forma rápida;
- Fluidez / velocidad y precisión;
- Comprensión de lectura; y/o
- Deletreo de palabras.

Un comité de personal capacitado, debe también incorporar las siguientes regulaciones estipuladas en el capítulo §38.003 del Código de Educación de Texas y en la sección 19 del capítulo §77.28 del Código Administrativo de Texas:

- La falta repentina de progreso académico apropiado, en el estudiante;
- Evidencia que el estudiante posee características encontradas en la dislexia;
- Evidencia que el estudiante tiene una inteligencia adecuada y posee habilidad para leer;
- Evidencia que el estudiante recibe una instrucción convencional; y
- Que la falta del progreso del estudiante no se debe a factores socioculturales como por ejemplo: diferencias lingüísticas, inasistencia y carencia de experiencias culturales.

IV. IDENTIFICACIÓN DE ESTUDIANTES CON DISLEXIA *(continued)*

Basándose en la información antes mencionada, el comité de personas capacitadas determina si un estudiante tiene dislexia o no. Si el estudiante tiene dislexia, el comité también tiene la autoridad para determinar, si el estudiante tienen algún tipo de discapacidad como se estipula en el capítulo §504 del Acta de Rehabilitación de 1973. (No todos los estudiantes que tienen dislexia cumplen los requisitos de discapacitación establecidos en el capítulo de ley §504.) Se considera que un estudiante tiene algún tipo de discapacidad bajo el capítulo de ley §504, cuando la condición de discapacidad limita el aprendizaje de dicho estudiante. En caso de existir otros factores que compliquen la dislexia, los estudiantes que presenten dichos factores podrían necesitar asistencia adicional o recibir una recomendación para participar en programas de educación especial.

V. INSTRUCCIÓN EDUCACIONAL PARA ESTUDIANTES CON DISLEXIA

Una vez que se haya determinado que un estudiante tiene dislexia, el distrito escolar o la escuela subvencionada deben proporcionar un programa instruccional apropiado a dicho estudiante. Así lo requiere el capítulo §38.003 del Código de Educación de Texas.

> *"De acuerdo con el programa aprobado por el La junta estatal de educación del Estado, la cámara de representantes de cada distrito escolar deberá proporcionar el tratamiento apropiado a cada estudiante que ha sido identificado con dislexia y otros desórdenes."*

Se deben seguir los siguientes procedimientos:

- Las decisiones sobre el tipo de instrucción que se proporcionará al estudiante con dislexia están a cargo de un equipo de profesionales que conoce a dicho estudiante; entiende la información de las evaluaciones realizadas y conoce los componentes y enfoques instruccionales para los estudiantes con dislexia.
- Los distritos escolares y las escuelas subvencionadas, están autorizados para comprar un programa de lectura o desarrollar su propio programa de lectura para estudiantes con dislexia u otros desórdenes, siempre y cuando dicho programa contenga las categorías que se encuentran en este manual. Estas categorías incluyen los componentes: de la conciencia fonológica, del conocimiento grafofonémico, de la estructura del lenguaje y de los modelos lingüísticos y sus procesos (sección 19, capítulo §74.28 del Código Administrativo de Texas. Los enfoques instruccionales incluyen instrucción explícita, individualizada y multi sensorial (sección 19, capítulo §74.28 del Código Administrativo de Texas.) Los componentes y enfoques instruccionales se describen en la próxima sección de este manual.
- Cada escuela es responsable de designar un docente capacitado en dislexia y otros desórdenes, para que enseñe a los estudiantes con dislexia. El distrito escolar, con la aprobación del los padres o tutores legales del estudiante, puede ofrecer servicios adicionales en un lugar centralizado. Estos servicios adicionales, no excluyen al estudiante de recibir servicios en su escuela (sección 19, capítulo §74.28 del Código Administrativo de Texas.)
- Todos los padres o tutores legales de los estudiantes que califiquen para servicios de acuerdo al Acta de Rehabilitación de 1973, capítulo §504, deben recibir información de todos los servicios y opciones disponibles, como lo requiere la ley federal.
- Los docentes que imparten la instrucción apropiada a los estudiantes con dislexia, deben recibir capacitación en las áreas de estrategias instruccionales: donde se utilizan métodos personalizados, intensivos, multisensoriales, fonéticos y una gran variedad de componentes de expresión escrita y deletreo, los que se especifican en la siguiente sección de este manual (sección 19, capítulo §74.28 del Código Administrativo de Texas.
- Los docentes que imparten la instrucción apropiada a los estudiantes con dislexia, deben recibir capacitación en actividades de desarrollo profesional específicas; en cada distrito, escuela privada, y/o actividades estipuladas en los comités de toma de decisiones y de planificación (sección 19, capítulo §74.28 del Código Administrativo de Texas.

Los distritos y las escuelas subvencionadas deben desarrollar un programa de educación dirigido hacia padres de familia, para los padres o tutores legales de los estudiantes con dislexia y otros desórdenes. El programa debe incluir lo siguiente:

- Características de la dislexia y otros desórdenes;
- Información sobre la evaluación y diagnóstico de la dislexia;
- Información sobre estrategias efectivas para la enseñanza de la dislexia; e
- Información sobre las modificaciones en el salón de clases y específicamente las modificaciones que se permiten en los exámenes estandarizados (sección 19, capítulo §74.28 del Código Administrativo de Texas.

V. INSTRUCCIÓN EDUCACIONAL PARA ESTUDIANTES CON DISLEXIA *(continued)*

Componentes de la instrucción

La instrucción se debe impartir en cursos con pocos estudiantes y debería incluir lectura, escritura y deletreo cuando sea apropiado. Las estrategias instruccionales principales, deben utilizar métodos personalizados, intensivos y multisensoriales, cuando se requiera.

Los componentes de instrucción apropiados para satisfacer las necesidades del estudiante incluyen:

- Instrucción para desarrollar la conciencia fonológica, con el objeto de capacitar al estudiante a detectar, segmentar, combinar y manipular los sonidos del lenguaje oral;
- Instrucción para el desarrollo del conocimiento grafofonémico (sonidos y letras), lo que representa la relación entre el sonido y la palabra; donde las palabras están compuestas de sonidos y los sonidos se escriben con letras en el orden correcto. Los estudiantes que comprenden este proceso, son capaces de convertir los sonidos asociados con las letras en palabras y separar las palabras en sonidos para desarrollar la expresión escrita y el deletreo;
- Instrucción sobre la estructura del lenguaje que incluye: la morfología (el estudio de las unidades del lenguaje que contienen significado tales como los prefijos, los sufijos y las raíces), la semántica (formas que usa el lenguaje para dar significado a la comunicación), la sintaxis (estructura de las oraciones gramaticales) y la pragmática (formas de uso del lenguaje en determinados contextos);
- Instrucción sobre la lingüística, enfocada hacia el dominio de la fluidez en los modelos del lenguaje, de modo que las palabras y las oraciones sean las portadoras de significado; y
- Instrucción de seguimiento de procesos, orientada en los procesos o estrategias que los estudiantes utilizan para: la decodificación, codificación, reconocimiento de palabras, fluidez y la comprensión que ellos necesitan para ser lectores independientes.

Los enfoques instruccionales apropiados para enfatizar las necesidades del estudiante, incluyen:

- Instrucción directa, explícita, sistemática (estructurada), secuencial y acumulativa. La instrucción debe ser presentada y organizada de forma que siga un plan de lógica secuencial, se ajuste a la naturaleza del lenguaje (principio alfabético); sin considerar previas destrezas o conocimiento del lenguaje y que extienda al máximo el compromiso del estudiante. Este tipo de instrucción va a la par con las necesidades, niveles de habilidad y demostración de progreso del estudiante;
- Instrucción personalizada que enfatice las necesidades de aprendizaje específicas de cada estudiante, cuando los estudiantes están trabajando en grupos pequeños; un programa de estudios para la enseñanza de la lectura que enfatice el nivel de habilidad individual de cada estudiante y que contenga todas las áreas de los *Componentes de la Instrucción* requeridos en la sección 19, capítulo §74.28 del Código Administrativo de Texas;
- Instrucción intensiva, altamente concentrada que extienda al máximo el compromiso del estudiante, utilice materiales y métodos específicos, produzca resultados y contenga todos los *Componentes de la Instrucción* requeridos en la sección 19, capítulo §74.28 del Código Administrativo de Texas;
- Instrucción que contenga significado y que esté enfocada hacia el desarrollo de la lectura y la escritura con un propósito determinado, con énfasis en la comprensión y la composición;
- Instrucción multisensorial, que incorpore el uso simultáneo de dos o más canales sensoriales (auditivo, visual, cinético, táctil) durante las presentaciones de los maestros y la práctica de los estudiantes.

Los maestros de los estudiantes con dislexia, deben estar preparados para utilizar estas técnicas y estrategias. También podrían capacitar o asistir en el área de la dislexia y otros desórdenes, a grupos de maestros de educación regular, educación especial o de programas de mejoramiento.

VI. CAPACITACIÓN PROFESIONAL PARA LOS DOCENTES QUE SIRVEN ESTUDIANTES CON DISLEXIA

Como se estipula en la Sección 19, capítulo §74.28 del Código Administrativo de Texas, los docentes que proporcionen instrucción a estudiantes con dislexia, deben recibir capacitación profesional y estar preparados para implementar estrategias instruccionales; que utilicen métodos personalizados, intensivos, multisensoriales y fonéticos y una gran variedad de componentes, para el desarrollo de la comprensión escrita y el deletreo de las palabras. Los docentes, también deberían recibir capacitación en actividades de desarrollo profesional especificadas en cada distrito escolar, escuela subvencionada y/o por el comité encargado de la planificación y la toma de decisiones en cada escuela.

Los docentes que han recibido la debida capacitación en la enseñanza de la dislexia, podrían capacitar o asistir en el área de la dislexia y otros desórdenes, a grupos de maestros de educación regular, educación especial o de programas de mejoramiento.

VII. RECOMENDACIONES PARA PROGRAMAS DE EDUCACIÓN ESPECIAL

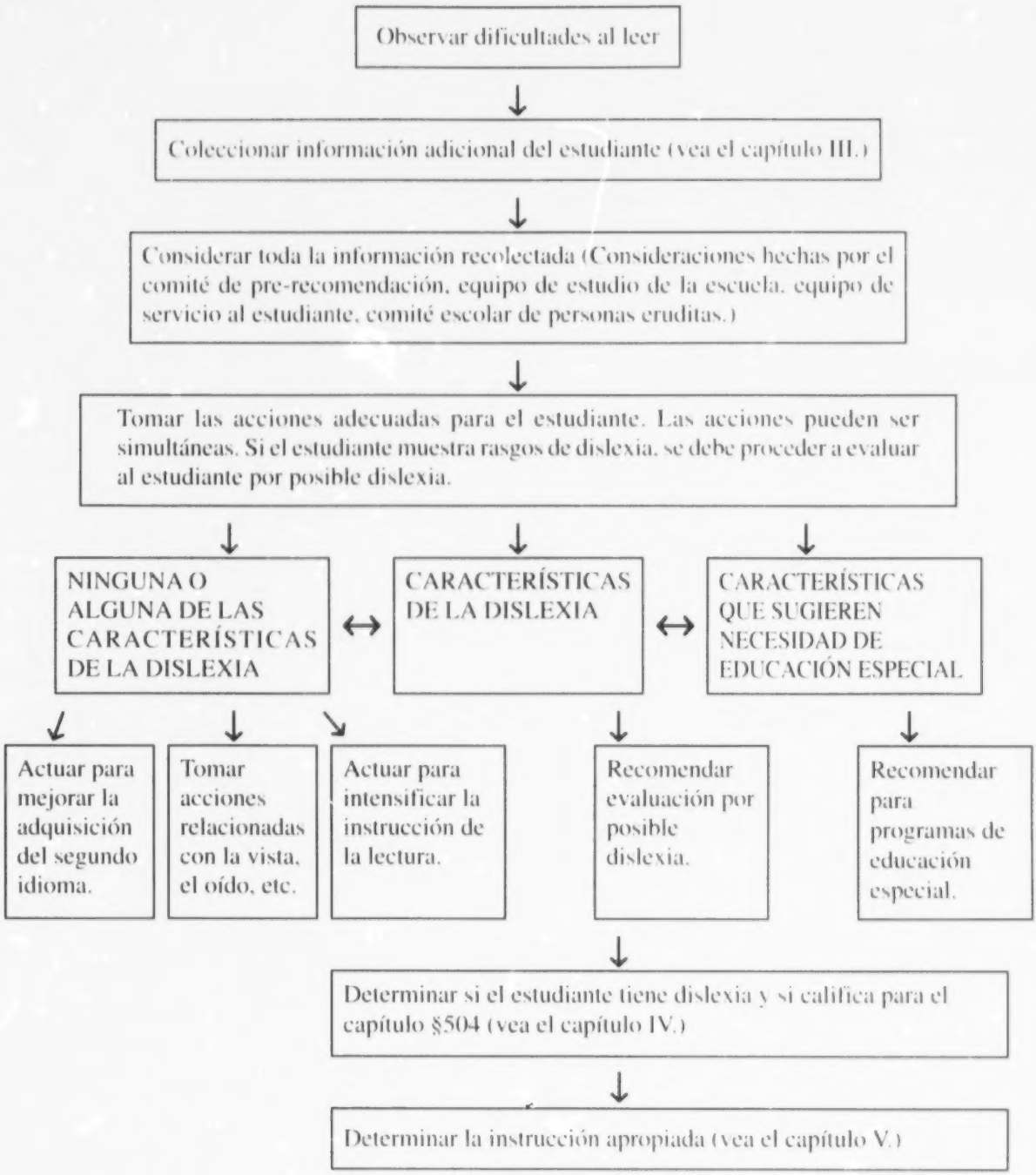
En cualquier etapa del proceso de evaluación de la dislexia, proceso de identificación o de la instrucción relacionada con la dislexia, los estudiantes podrían recibir una recomendación para ser evaluados para una posible participación en programas de educación especial. Hay momentos, en que los estudiantes presentan factores o áreas adicionales que complican su dislexia y requieren apoyo extra, el cual no siempre está disponible a través de la instrucción para la dislexia. En otros momentos, hay estudiantes con dislexia u otros desórdenes muy severos, que les impiden alcanzar un progreso académico dentro de cualquiera de los programas, que se describen en los procedimientos relacionados con la dislexia. En tales casos, se debería, si es necesario, recomendar a tales estudiantes al personal de programas de educación especial, para que procedan a evaluar y posiblemente identificar el grado de discapacidad dentro del contexto estipulado en el Acta de Individuos con Discapacidades.

Si se considera que un estudiante con dislexia califica para participar en algún programa de educación especial, el comité encargado de la admisión, revisión y salida (ARD) de los estudiantes en educación especial, debe incluir un programa instruccional adecuado para la enseñanza de la lectura, en el programa educacional individual del estudiante. Dicha instrucción, incluye las descripciones que aparecen en el capítulo sobre *Instrucción educacional para estudiantes con dislexia.*

Si un estudiante con dislexia es recomendado para ser evaluado por el personal de educación especial, los distritos y las escuelas subvencionadas deben acatar las regulaciones que aparecen en el Acta de Individuos con Discapacidades de 1997. En la sección 26, capítulo §1401 del Acta, la dislexia es considerada una de las variedades de la definición de "discapacidad específica del aprendizaje." En general, el término "discapacidad específica del aprendizaje" se refiere a un tipo de desorden, en una o más áreas de los procesos psicológicos básicos que involucran la comprensión o el uso del lenguaje oral o escrito. El desorden se puede manifestar en discapacidad para oír, pensar, hablar, leer, escribir, deletrear o realizar cálculos matemáticos. Un desorden incluye condiciones tales como discapacidades al nivel de la percepción, daño cerebral, función mínima del cerebro, dislexia y afasia en desarrollo.

Un desorden, no incluye un problema de aprendizaje que resulta principalmente de discapacidades visuales, auditivas o motoras, de retardo mental, de un disturbio emocional o de desventajas ambientales, culturales o económicas [34 CFR 300.7(c)(10).]

Apéndice A: Esquema para la evaluación, identificación e instrucción educacional para los estudiantes con dislexia


Observar dificultades al leer
Coleccionar información adicional del estudiante (vea el capítulo III.)
Considerar toda la información recolectada (Consideraciones hechas por el comité de pre-recomendación, equipo de estudio de la escuela, equipo de servicio al estudiante, comité escolar de personas eruditas.)
Tomar las acciones adecuadas para el estudiante. Las acciones pueden ser simultáneas. Si el estudiante muestra rasgos de dislexia, se debe proceder a evaluar al estudiante por posible dislexia.
NINGUNA O ALGUNA DE LAS CARACTERÍSTICAS DE LA DISLEXIA
CARACTERÍSTICAS DE LA DISLEXIA
CARACTERÍSTICAS QUE SUGIEREN NECESIDAD DE EDUCACIÓN ESPECIAL
Actuar para mejorar la adquisición del segundo idioma.
Tomar acciones relacionadas con la vista, el oído, etc.
Actuar para intensificar la instrucción de la lectura.
Recomendar evaluación por posible dislexia.
Recomendar para programas de educación especial.
Determinar si el estudiante tiene dislexia y si califica para el capítulo §504 (vea el capítulo IV.)
Determinar la instrucción apropiada (vea el capítulo V.)

Apéndice B: Ajustes para la examinación del instrumento de evaluación de Texas que mide conocimientos y destrezas esenciales (TAAS)

NOTA:
Los maestros deben consultar el último Manual del Coordinador del Examen de Texas, que mide destrezas y conocimientos esenciales (TAAS), para averiguar cuáles son los más recientes ajustes para dicho examen. Estos ajustes pueden cambiar con regularidad. Para obtener más información, consulte la siguiente página en la internet: www.tea.state.tx.us/student.assessment/resources/techdig/chap3.pdf.

Ajustes

Se pueden utilizar ciertos procedimientos que no invaliden los resultados del examen. Tanto el personal administrativo como los individuos interesados deben recibir información sobre los tipos de ajustes que se pueden hacer. Los manuales del personal administrativo también incluyen una lista de ajustes.

La decisión para hacer algún tipo de ajuste a un estudiante específico, debe ser hecha tomando en cuenta: (a) las necesidades del estudiante y (b) si dicho estudiante ha recibido ese tipo de ajuste durante la instrucción educacional en el salón de clases.

Ajustes permitidos

- Los estudiantes con deterioro auditivo, podrían recibir las instrucciones oralmente antes o después del examen. También las instrucciones podrían ser traducidas al primer idioma a un estudiante con dominio limitado del inglés.
- Un estudiante con deterioro en el sistema auditivo, podría recibir algún tipo de clave o apoyo en forma escrita. Sin embargo, explicaciones o informaciones adicionales no están permitidas.
- Un estudiante que esté siendo examinado, podría colocar un papel de transparencia sobre el examen o podría usar un marcador de apoyo en el examen y en la hoja de respuestas.
- Se podría administrar el examen en forma individual al estudiante que lo necesite. En este tipo de situación, el estudiante podría leer en voz alta mientras realiza el examen o podría leer el examen de materias específicas, en una grabadora y volverlo a escuchar y a leer mientras desarrolla el examen.
- Un estudiante podría ser examinado en forma individual. En este tipo de situación, el estudiante podría leer en voz alta mientras trabaja o podría leer el examen de alguna asignatura específica, en una grabadora y también podría volver a leerlo varias veces. El examinador debe estar presente todo el tiempo. Todas las cintas grabadas deben regresarse junto con los puntajes, en la sección que incluye los materiales que han sido invalidados.
- Un estudiante podría utilizar el sistema Braille o requerir de un examen impreso en letra más grande.
- Si un estudiante tiene algún tipo de discapacidad que le impida grabar sus respuestas en una máquina, podría responder las preguntas del examen oralmente, marcar las respuestas en el folleto del examen o digitar sus respuestas. El examinador debe registrar dichas respuestas en un documento estándar de respuestas. Los examinadores deben escribir "Transcrito por (NOMBRE) debido a (CAUSA)" en la parte superior del documento. No se pueden computar las respuestas del examen, a menos que aparezcan en la hoja de respuestas.
- Si un estudiante tiene algún tipo de discapacidad que le impida escribir la composición, podría: a) dictar la composición directamente al examinador, deletrear todas las palabras e indicar las mayúsculas y los signos de ortografía que la composición requiere o b) grabar el ensayo en una cinta mientras lo compone, luego podría tocar la cinta para que el examinador la escuche y a la vez ir deletreando las palabras, señalando las mayúsculas y los signos de puntuación. Luego, el estudiante podría volver a leer el ensayo e indicar correcciones, si las hay. El examinador debe registrar dichas respuestas en un documento estándar de respuestas. Los examinadores deben escribir "Transcrito por (NOMBRE) debido a (CAUSA)" en la parte superior del documento. No se pueden computar las respuestas del examen, a menos que aparezcan en la hoja de respuestas.

- El estudiante podría digitar la composición o ensayo del examen que mide las destrezas de la composición escrita, en una máquina de escribir o en un computador, pero no se le permite usar ningún tipo de ayuda o programa para revisar la ortografía, ni tampoco grabar el documento en el computador. La composición debe ser transcrita en una hoja regular de respuestas para proceder a computar el puntaje. Los examinadores deben escribir "Transcrito por (NOMBRE) debido a (CAUSA)" en la parte superior del documento.

Ajustes no permitidos

- El estudiante no puede recibir ningún tipo de ayuda de lectura en los exámenes de lectura y composición escrita. Los estudiantes identificados con dislexia u otros desórdenes, podrían calificar para que los exámenes de matemáticas, de ciencias sociales y de ciencias naturales del grado 8, fuesen administrados en forma oral.
- El estudiante no puede usar calculadora.**
- El estudiante no puede usar una regla para medir.
- El estudiante no puede utilizar materiales de referencia, ni en inglés ni en idiomas extranjeros.
- Las secciones del examen no pueden ser traducidas.
- Otro tipo de ajustes que pudiesen invalidar el examen, está prohibido.

*Esto también se considera en las secciones de composición escrita y de final abierto del examen global, que requiere el curso Inglés II al término del semestre escolar.

**Un estudiante que esté siendo examinado en el examen global del curso de Álgebra I, podría tener acceso a una calculadora gráfica para usarla durante el examen.

***Un estudiante que esté siendo examinado en el examen global del curso Inglés II, podría tener acceso a un diccionario de lenguaje en inglés, para se usado durante el examen.

Administración oral

Requisitos

Un examinador puede leer en voz alta, las preguntas y las alternativas de respuestas del examen de matemáticas y de ciencias sociales y/o ciencias naturales del grado 8 a:

- los estudiantes que califiquen para tomar el examen TAAS y tengan dislexia u otros desórdenes (Ej., disgrafía, impercepción auditiva en desarrollo, disfasia) y quienes regularmente están sujetos a este tipo de ajustes de examinación; y
- los estudiantes que tengan deterioro auditivo, cuyo plan educacional individual requiera ajustes de instrucción y examinación en forma diaria.

La administración oral está disponible sólo en las secciones del examen TAAS de matemáticas, ciencias sociales y ciencias naturales. No está disponible en las secciones de lectura y composición escrita del examen educacional que mide destrezas básicas (TEAMS.)

Decisiones para recomendar una administración oral del examen

La decisión para recomendar una administración oral a los estudiantes que reciben servicios de educación especial, está a cargo del comité encargado de la admisión, revisión y otorgamiento de salida de los estudiantes en programas de educación especial (ARD.) Para los estudiantes que no participan en programas de educación especial, la determinación está a cargo del comité encargado de recomendar servicios, requerido en la sección 504 del Acta de Rehabilitación de 1973. Las instrucciones para la administración oral aparecen en el *Manual de administración del examen* TAAS.

> Si usted tiene preguntas sobre ajustes que no aparecen en este manual, por favor comuníquese con la División de Evaluación de Texas al (512) 463 9536.

Apéndice C: Glosario

Instrucción de lectura acelerada: Instrucción para la enseñanza de la lectura, de carácter intensivo, con fundamento teórico; que enfatiza las necesidades de lectura del estudiante, determinadas por los instrumentos de evaluación para los grados de kindergarten a segundo, requeridos en el capítulo §28.006 del Código de Educación de Texas. Este tipo de instrucción, se proporciona a los estudiantes que están en peligro de una posible dislexia o que tienen otros problemas de lectura. Los distritos escolares y las escuelas subvencionadas determinan la forma, el contenido y el tiempo de la instrucción intensiva, diseñada para enfatizar las necesidades del estudiante (Ej., instrucción para desarrollar la conciencia fonológica, el principio alfabético, estrategias de análisis de palabras, fluidez y/o comprensión de lectura.) Se requiere que los estudiantes asistan a programas de instrucción de lectura acelerada, antes de ser evaluados por posible dislexia o recomendados para educación especial; es de vital importancia que aquellos estudiantes que presenten dificultades de lectura, reciban algún tipo de instrucción intensiva que enfatice sus necesidades de lectura tan pronto como se identifiquen dichas necesidades.

Capacidad de adaptación: la efectividad del estudiante para cumplir normas de auto independencia y de responsabilidad social; normales para su edad y grupo cultural.

Principio alfabético: la capacidad para comprender que la secuencia de letras en las palabras escritas, representa la secuencia de sonidos (o fonemas) en las palabras habladas.

Evaluación para la dislexia: los instrumentos de medición (Ej., exámenes, observaciones sistemáticas, entrevistas, etc.) que se utilizan para determinar si un estudiante presenta una posible dislexia. Los instrumentos de medición de lectura personalizados, apropiados para el nivel de lectura del estudiante, incluyen:

- Lectura de palabras independientes;
- Decodificación de palabras (reales y de ficción);
- Conciencia fonológica;
- Reconocimiento de palabras (nombres y sonidos que los representan);
- Eficacia para nombrar palabras en forma rápida;
- Fluidez/velocidad y precisión;
- Comprensión de lectura; y/o
- Deletreo de palabras.

"En peligro" de posible dislexia: Los estudiantes, cuyos resultados de los instrumento(s) de lectura, para los grados de kindergarten a segundo (capítulo §28.006, del Código de Educación de Texas) indican algún tipo de necesidad en las áreas de lectura y/o desarrollo de la lectura, son considerados "en peligro" de posible dislexia. Los estudiantes considerados "en peligro" se encuentran en la etapa inicial de pre-identificación por posible dislexia. A estos estudiantes, se les debe proporcionar instrucción de lectura acelerada (que es un tipo de instrucción intensiva, con fundamento teórico, que enfatiza las necesidades de lectura del estudiante.) Los estudiantes que sigan teniendo dificultades para leer, a pesar de la instrucción de lectura intensiva, posiblemente serán recomendados para ser evaluados por posible dislexia y/o recomendados para educación especial.

Disgrafía en desarrollo: Incapacidad para escribir en forma legible. Este tipo de dificultad no siempre ocurre en forma adicional a otras dificultades en el lenguaje escrito. La coordinación de las habilidades motoras visuales, se encuentra frecuentemente dentro de un rango promedio y no son la causa principal de la disgrafía.

Dificultad para deletrear, en desarrollo: dificultad para aprender a deletrear. Este tipo de dificultad de grado significativo, ocurre en ausencia de problemas de lectura u otros problemas del lenguaje escrito.

Dislexia: desorden específico de tipo lingüístico, de origen constitucional que se caracteriza por la dificultad para decodificar una sola palabra, lo que usualmente refleja carencia de proceso fonológico. Este tipo de dificultad, por lo general, no se considera normal para la edad o en comparación a otras habilidades académicas o cognitivas; no es el resultado de una discapacidad generalizada en desarrollo o de un deterioro sensorial. La dislexia se manifiesta a través de diferentes tipos de dificultad con las formas del lenguaje, como también se manifiesta en problemas para escribir y deletrear, además de las dificultades en el área de la lectura. (Asociación Internacional de Dislexia, 1994.)

Evaluación: el uso de múltiples métodos para evaluar una gran variedad de información, con el objeto de guiar en la determinación de intervenciones apropiadas. Para identificar a un estudiante por posible dislexia, la información a ser evaluada debería incluir: las observaciones hechas por el/la maestro/a del estudiante, el historial académico y en desarrollo del estudiante, los resultados de una variedad de instrumentos para evaluar la lectura y toda la información pertinente a la identificación de la dislexia.

Instrucción directa y explícita: Instrucción sistemática (estructurada), secuencial y acumulativa. Este tipo de instrucción debe ser presentada y organizada de forma que siga un plan de lógica secuencial, se ajuste a la naturaleza del lenguaje (principio alfabético); sin considerar previas destrezas o conocimiento del lenguaje, y que extienda al máximo el compromiso del estudiante.

Instrucción para el desarrollo del conocimiento grafofonémico (sonidos y letras): Tipo de instrucción que toma ventaja del conjunto letra-sonido; donde las palabras que contienen significado están compuestas de sonidos y los sonidos se escriben con letras en el orden correcto. Los estudiantes que comprenden este proceso, son capaces de convertir los sonidos asociados con las letras en palabras y separar las palabras en sonidos para desarrollar la expresión escrita y el deletreo.

Identificación de la dislexia: Un equipo de profesionales capacitados tiene la responsabilidad de determinar si un estudiante tiene dislexia o no. Estos profesionales deben poseer conocimiento de:

- El proceso de la lectura;
- La dislexia y otros desórdenes;
- La instrucción para tratar la dislexia;
- Las regulaciones federales y estatales, que los distritos y escuelas privadas deben utilizar para evaluar la dislexia;
- El conocimiento sobre el estudiante que va a ser evaluado;
- Los instrumentos de evaluación utilizados; y
- El significado de la información recolectada.

Un comité de personal capacitado, determina la identificación de la dislexia después de analizar todos los datos acumulados, incluyendo: las observaciones de los maestros y de los padres del estudiante, información sobre el historial educacional y en desarrollo del estudiante, información recolectada por el docente o personal escolar y cualquier otra información que incluya el desarrollo de aprendizaje y las necesidades educacionales del estudiante.

Instrucción personalizada: tipo de instrucción que enfatiza las necesidades específicas de aprendizaje de un estudiante. Los materiales y enfoques metodológicos, van a la par con el nivel de habilidad individual de cada estudiante.

Instrucción de la estructura del lenguaje: instrucción enfocada en la morfología, la semántica, la sintaxis y la pragmática.

Instrucción lingüística: tipo de instrucción que enfatiza el dominio lingüístico y la fluidez siguiendo los modelos del lenguaje; de modo que las palabras y las oraciones sean las portadoras de significado.

Instrucción basada en el significado: Instrucción enfocada en el desarrollo de la lectura y escritura con un propósito determinado, con énfasis en la composición y la comprensión de lectura.

Morfema: Unidad lungüística que tienen significado propio y no puede dividirse en elementos más pequeños, como la palabra ***libro***. Un morfema es también un componente de una palabra, como por ejemplo; la s en ***libros***.

Morfología: el estudio de la estructura y forma de las palabras en el lenguaje, incluyendo la inflexión, derivación y la formación de palabras compuestas.

Instrucción multisensorial: Instrucción que incorpora el uso simultáneo de dos o más canales sensoriales (auditivo, visual, cinético, táctil), durante las presentaciones de los maestros y la práctica de los estudiantes.

Conciencia fonológica: la idea de que el lenguaje oral se concibe como una secuencia de sonidos; la habilidad para manipular los sonidos dentro de las palabras (Ej.: segmentación o combinación de sílabas.)

Enfoque fónico: tipo de práctica instruccional, que enfatiza la relación sistemática que existe entre los símbolos que representan las letras y los sonidos del habla; instrucción explícita enfocada en la correspondencia entre la letra y el sonido.

Fonología: la estructura de los sonidos del habla, particularmente la percepción, la representación y la producción de sonidos al hablar.

Instrucción orientada en el seguimiento de procesos: Instrucción orientada en un ordenado y organizado seguimiento de procesos o estrategias, que los estudiantes necesitan para convertirse en lectores independientes, incluyendo: estrategias de decodificación, codificación, reconocimiento de palabras, fluidez y comprensión.

Recomendación para evaluación por posible dislexia: recomendación hecha por el/la maestro/a del estudiante, por el personal del distrito o escuela, y/o por los padres del estudiante que va a recibir la evaluación. Después de la evaluación, el distrito escolar y/o la escuela subvencionada deben considerar los procedimientos locales de cada escuela y los procedimientos que aparecen en este manual.

Pre-identificación: evaluación inicial para la identificación de estudiantes que podrían demostrar ciertos problemas (Ej., problemas para leer.) Todos los estudiantes en una escuela o en una clase en particular, se les da un examen inicial y luego se verifica si alguno de ellos necesita un diagnóstico más intensivo.

Apéndice D: Preguntas y respuestas

Las siguientes preguntas y respuestas se relacionan con algunos tópicos pertinentes a la dislexia y otros desórdenes.

Relación de la dislexia con el Acta de Rehabilitación de 1973, §504

1 ¿Cómo afectan el capítulo de ley §504 y las reglas y procedimientos del La junta estatal de educación del Estado, en la implementación de la ley estatal de la dislexia, en el ámbito de distritos escolares y escuelas privadas?

- Si se sospecha que un estudiante tiene algún tipo de discapacidad, dentro de los parámetros estipulados en el Acta de Individuos con Discapacidades (IDEA), se deben seguir todos los procedimientos que requieren los programas de educación especial. Los procedimientos del Acta de Individuos con Discapacidades cumplen los requerimientos del capítulo de ley §504.
- Si se sospecha que un estudiante tiene algún tipo de discapacidad, dentro de los parámetros estipulados en el Acta de Individuos con Discapacidades (IDEA), dicho estudiante aún podría tener algún tipo de discapacidad dentro de las estipulaciones del capítulo de ley §504. Este estudiante debe ser examinado, evaluado y se le debe proporcionar una educación apropiada, que enfatice sus necesidades individuales, de la misma forma que los distritos o escuelas privadas les brindan servicio educacional a los estudiantes que no tienen discapacidades. En algunas instancias, este tipo de educación indiscriminada, requiere de ajustes o servicios especiales, de modo que los estudiantes reciban los beneficios necesarios. (El ejemplo más común, es la construcción de rampas para los estudiantes que usan sillas de ruedas.) El seguir los procedimientos sobre la dislexia en este manual, implica una mejor atención y mejores servicios al estudiante con dislexia, considerándose la dislexia un tipo de discapacidad, como se estipula en el capítulo de ley §504. Se debe poner particular atención a la sección de las provisiones de procedimientos y reclamos, en dicho capítulo.
- Cuando los estudiantes requieren de evaluaciones individuales, los procedimientos para evaluar estudiantes por posible dislexia, deben estar dentro de los requerimientos del capítulo de ley §504, incluyendo la notificación a los padres del estudiante; oportunidad para que dichos padres puedan revisar los registros más relevantes; uso de instrumentos de medición válidos; evaluación y recomendación de servicios a cargo de personal capacitado; análisis (grado de significancia) de la información obtenida en la evaluación y opciones de servicios para el estudiante. Los pasos a seguir en el cumplimiento del capítulo de ley §504, deben detallarse por escrito.

2 ¿Podría recibir el término de "discapacitado", cualquier estudiante que se sospeche que pueda tener dislexia, dentro de la definición de dislexia estipulada en el capítulo de ley §504?

No, en todos los casos. Para que una persona sea considerada con algún tipo de discapacidad, dentro de los términos de la ley, dicha persona debe tener una discapacidad, tener un registro de la discapacidad o que se le haya identificado algún tipo de discapacidad. El tipo de discapacidad debe al menos impedir, el desarrollo normal de actividades primordiales del diario vivir, tales como: el cuidado de sí mismo, el desarrollo de funciones manuales, caminar, ver, oír, hablar, respirar, aprender y trabajar [34 CFR 104.3(j).] Así, un estudiante con dislexias cuyas dificultades para leer, limitan el aprendizaje, se podría considerar como una persona discapacitada dentro de los parámetros del capítulo de ley §504.

3 ¿Qué tipo de documentación escrita se recomienda para cumplir con las regulaciones del capítulo de ley §504?

Se recomienda que los distritos escolares y las escuelas subvencionadas documenten lo siguiente por escrito, en caso que la Oficina de Derechos Civiles inicie una investigación, producto de algún reclamo.

- Documentación que muestre que los padres fueron notificados sobre la evaluación;
- Documentación sobre la información de la evaluación;
- Documentación de las decisiones hechas por el comité en relación con la discapacidad (en caso que exista o no tal discapacidad); y
- Documentación de las opciones y decisiones de servicios recomendados para el estudiante.

Lo más importante en cuanto a la información antes mencionada, es asegurar que los distritos y escuelas subvencionadas enfaticen las necesidades de los estudiantes y protejan los derechos de los estudiantes y de los padres de familia.

4 ¿Qué procedimientos se deben seguir para proteger los derechos de los padres, que no están de acuerdo con las decisiones tomadas por los distritos o escuelas subvencionadas?

- Si se sospecha que un estudiante tiene algún tipo de discapacidad, dentro de los parámetros estipulados en el Acta de Individuos con Discapacidades (IDEA), se aplican tanto las reglas de implementación como los procedimientos de protección proporcionados en la ley.
- Si se sospecha que un estudiante no tiene algún tipo de discapacidad, dentro de los parámetros estipulados en el Acta de Individuos con Discapacidades (IDEA), entonces se podrían aplicar los procedimientos de protección estipulados en el capítulo de ley §504. Bajo dicha ley, los padres podrían formular quejas o reclamos o solicitar una audiencia con el personal encargado en el distrito o escuela correspondiente. El distrito escolar o la escuela subvencionada, debe elegir a un oficial encargado de representar a la escuela en la audiencia; éste debe ser imparcial, no ser empleado de la institución y no tener ningún interés en el caso. En dicha audiencia los padres tendrán la oportunidad de participar y si es necesario, ser representados por consejeros. Las decisiones tomadas en la audiencia podrían ser casos legales, en cortes federales o estatales.

Código de Educación de Texas, Código Administrativo de Texas y Reglas y Procedimientos del La junta estatal de educación del Estado.

5 ¿Cuál es la diferencia entre la regulación y los procedimientos del La junta estatal de educación de Texas?

La regla o regulación del La junta estatal de educación requiere que los distritos escolares y escuelas subvencionadas sigan los "Procedimientos relativos a la dislexia y otros desórdenes." Los procedimientos, estipulados en el manual sobre la dislexia, son una guía para asistir a los distritos escolares y escuelas subvencionadas a cumplir las leyes federales y estatales.

6 ¿Cuáles son las responsabilidades de los distritos escolares y escuelas subvencionadas en la implementación de la ley estatal sobre la dislexia?

Los distritos escolares y las escuelas subvencionadas, deben recopilar toda la información pertinente de un estudiante con posible dislexia u otros desórdenes. (Vea el capítulo III, *Procedimientos y medidas para evaluar a los estudiantes con dislexia.*) Un comité de personas capacitadas y con conocimiento del estudiante que va a ser evaluado; que tenga conocimiento de la información de la evaluación y de la instrucción apropiada, considera la información pertinente y determina si el estudiante tiene dislexia, para luego proporcionar servicios instruccionales apropiados a dicho estudiante, en la escuela a la que asiste. Si un padre recibe información de tipo evaluativa proveniente de fuentes privadas, el distrito o la escuela subvencionada debe considerar dicha información. Sin embargo, el distrito o la escuela, determina si el estudiante califica para recibir servicios de dislexia u otros desórdenes.

7 ¿Cuál es el tiempo más apropiado de espera, entre la recomendación para evaluación y la identificación de una posible dislexia?

Los distritos escolares y las escuelas subvencionadas establecen un período de tiempo razonable, siguiendo las pautas o procedimientos locales para la identificación y servicios de estudiantes con dislexia. Al determinar el tiempo, es importante que estas instituciones recuerden que el tiempo es un factor crítico. Si los estudiantes reciben una instrucción adecuada pronto, se convertirán en lectores independientes más rápido.

8 ¿Qué fondos monetarios pueden usarse para apoyar el programa de dislexia?

Se pueden usar fondos subvencionados por el estado, fondos de compensación o dinero local. Los fondos monetarios de compensación se usan para apoyar la instrucción en las clases regulares. Para los estudiantes cuyas discapacidades requieren educación especial, se deben usar fondos que provengan de dicho programa.

Recomendación para recibir evaluación por posible dislexia

9 ¿En qué momento, un estudiante que presente problemas en la lectura, podría ser considerado para participar en un programa de dislexia u otros desórdenes?

Si el estudiante no está progresando en los programas escolares de lectura regular, de compensación y/o de mejoramiento, y se han eliminado otros factores que podrían influenciar en el proceso del aprendizaje, dicho estudiante debería recibir una recomendación para ser evaluado por posible dislexia u otros desórdenes.

10 ¿Cuánto tiempo un estudiante debe participar en programas de lectura regulares, de compensación o de mejoramiento, antes de ser recomendado para recibir una evaluación por posible dislexia u otros desórdenes?

Los estudiantes que presentan dificultades en la lectura o en áreas afines, deben ser supervisados con detención por el personal encargado, durante las clases de compensación y mejoramiento de la lectura, en forma continua. Si el estudiante no mejora, dicho estudiante podría recibir una recomendación para ser evaluado por posible dislexia.

11 ¿En qué grado escolar, un estudiante debería recibir una recomendación para ser evaluado por posible dislexia?

Se recomienda que se otorgue prioridad a los estudiantes que cursan los grados de primero, segundo y tercero, con el objeto de enfatizar una intervención temprana. Sin embargo, si un estudiante no presenta progreso académico en cualquier grado escolar, se deberían analizar y evaluar las necesidades del estudiante.

12 Si un estudiante no presenta progreso académico en el primer grado escolar, ¿podría recibir una recomendación para ser evaluado por posible dislexia?

Podría ser, pero no en todos los casos. Quizás, tal estudiante no haya reforzado las áreas necesarias del lenguaje que necesita o no haya tenido experiencias literarias que se requieren en ese grado escolar, para todos los estudiantes. El estudiante podría necesitar asistencia individual o tutoría, instrucción acelerada (intensiva), tener la oportunidad de trabajar en grupos pequeños y recibir asistencia y apoyo del consejero/a de la escuela. Si un estudiante es hablante nativo de otro idioma que no es el inglés; el inglés oral de dicho estudiante puede que no esté suficientemente desarrollado y necesite instrucción de la enseñanza de la lectura en su primer idioma, clases de inglés como segundo idioma o clases de educación bilingüe. Los maestros deben considerar los resultados de los exámenes de lectura temprana, requeridos en el capítulo §28.006, del Código de Educación de Texas.

En caso que los estudiantes que participen en programas de instrucción acelerada (intensiva) o en otros programas que faciliten la adquisición de las destrezas de la lectura, no demuestren progreso académico, dichos estudiantes podrían requerir servicios de mejoramiento, de compensación o de dislexia.

13 ¿Deberían todos los estudiantes, ser supervisados por posible dislexia constantemente?

El progreso de lectura de todos los estudiantes debería ser constantemente revisado y supervisado. La recomendación para recibir una evaluación por posible dislexia, se lleva a cabo sólo cuando los estudiantes presentan un rendimiento bajo en las clases de lectura y exhiben algunas características propias de la dislexia. Además, cuando el rendimiento bajo del estudiante, en el área de la lectura no es normal para su edad o grado escolar.

14 ¿Puede un padre/madre formular una recomendación para que su hijo/a sea evaluado por posible dislexia?

Sí. Un padre/madre puede hacer dicha recomendación para dislexia u otros desórdenes. Los padres también tienen el derecho de recomendar que su hijo/a sea evaluado en una entidad privada. Para que dicha evaluación sea válida, debe cumplir con los requerimientos establecidos en el capítulo §504 y con los procedimientos de orientación que aparecen en este manual (vea la sección de exámenes, instrumentos de medición y otras evaluaciones.) El distrito escolar o la escuela subvencionada debería considerar la información proporcionada por los padres del estudiante al interpretar los instrumentos de evaluación y tomar decisiones en cuanto a servicios para el estudiante. Sin embargo, el distrito o la escuela subvencionada determina si el estudiante califica para servicios de dislexia y/u otros desórdenes.

15 ¿Puede un estudiante reprobar una clase antes de ser recomendado para una evaluación por posible dislexia?

No. Cuando un estudiante no está progresando, a pesar que el/la maestro/a ha utilizado todos los recursos instruccionales posibles en la clase regular, dicho estudiante debería ser considerado como posible candidato para participar en programas alternativos (Ej., Título 1, educación compensatoria) o recibir una recomendación para ser evaluado por posible dislexia.

16 ¿Qué tipo de información sobre el estudiante, deben los distritos o escuelas subvencionadas recopilar, para formular recomendaciones para una evaluación por posible dislexia?

La información recolectada es proporcionada normalmente por los distritos o escuelas. Dicha información podría incluir parte o todos los resultados de lo siguiente:

- Examen de la vista (este examen es conducido en la escuela);
- Examen del oído (este examen es conducido en la escuela);
- Problemas detectados y reportados por el docente;
- Evaluación de libros de lectura general;
- Modificaciones y ajustes instruccionales hechos por el docente;
- Reporte de calificaciones;
- Ejemplos de tareas;
- Información de reuniones con los padres del estudiante;
- Exámenes para determinar el dominio del idioma inglés;
- Exámenes (por recomendación) del habla y del desarrollo del lenguaje;
- Exámenes de lecturas para kindergarten, primero y segundo requeridos en el capítulo §28.006 del Código de Educación de Texas; y/o
- Programas de evaluación requeridos por el estado, así descrito en el capítulo §39.022, del Código de Educación de Texas.

17 ¿Quien es la persona encargada de ayudar a un estudiante que presente problemas de lenguaje oral?

En este caso, se deben seguir los procedimientos requeridos en el programa de educación especial. Los estudiantes que tengan algún tipo de discapacidad, dentro de los parámetros del Acta de Individuos con Discapacidades (IDEA), deben ser asistidos por un terapista del lenguaje, en caso que tengan problemas en el desarrollo del habla. Las decisiones de servicios están a cargo del comité de admisión, revisión y salida (ARD), del programa de educación especial.

18 ¿Cuándo, puede un estudiante ser recomendado para recibir una evaluación por posible participación en un programa de educación especial?

Un estudiante puede recibir una recomendación, en cualquier momento que se sospeche la existencia de algún tipo de discapacidad y la necesidad de servicios de educación especial. El programa de dislexia nunca ha sido diseñado para ocupar el lugar de un programa de educación especial. Algunos estudiantes que hayan sido identificados con inglés limitado y con dislexia, podrían requerir los servicios de ambos programas; programas de educación bilingüe y de inglés como segundo idioma (ESL) y programas de educación especial o instrucción para la dislexia.

Evaluación para la dislexia

19 ¿Deberían los padres ser notificados, si su hijo/a va ser evaluado por posible dislexia u otros desórdenes en el distrito o escuela?

Sí. Los padres deben recibir una notificación antes de que el estudiante sea evaluado individualmente. Se requiere permiso de los padres para evaluar a un estudiante en forma individual, el permiso se requiere antes de proceder a evaluar. Al mismo tiempo, los padres deberían recibir información sobre los derechos de procesamiento, estipulados en el Capítulo de ley §504.

20 ¿Existe algún examen que determine si un estudiante tiene dislexia u otros desórdenes relacionados?

No. No existe ningún examen. Los distritos escolares y las escuelas subvencionadas deberían usar múltiples formas de evaluación, incluyendo instrumentos de evaluación formales e informales, que sean apropiados para determinar dislexia y otros desórdenes. La evaluación del área de lectura debe ser apropiada para el desarrollo de lectura del estudiante y debería incluir lo siguiente:

- Lectura de palabras independientes;
- Decodificación de palabras (reales y de ficción);
- Conciencia fonológica;
- Reconocimiento de palabras (nombres y sonidos que los representan);
- Eficacia para nombrar palabras en forma rápida;
- Fluidez/velocidad y precisión;
- Comprensión de lectura; y/o
- Deletreo de palabras.

21 ¿Es necesario registrar la informacion recopilada en formularios especiales?

No. Este este tipo de información generalmente se registra en la carpeta escolar del estudiante. Los distritos escolares y las escuelas subvencionadas no necesitan cambiar sus métodos regulares para guardar o registrar la información estudiantil. Ni el estado requiere ningún tipo de formulario especial para registrar resultados evaluativos. Es importante que las instituciones escolares mantengan esta información en forma escrita, con el objeto de asegurar que se enfatizan las necesidades de los estudiantes, para proteger los derechos de los padres y de los estudiantes, para documentarlos resultados de la investigación en caso que la Oficina de Derechos Civiles decida investigar algún reclamo o queja.

Identificación de un estudiante con dislexia

22 ¿Quién es la persona que identifica a un estudiante con dislexia y determina servicios instruccionales?

El proceso de identificación requiere la participación de un comité compuesto por personal capacitado, del distrito o escuela. Este equipo debe incluir un número de dos o más de los siguientes representantes: el superintendente, un director o directora, un consejero/a, un especialista, un especialista en lectura, un especialista en dislexia, un terapista del lenguaje y del habla, un especialista en diagnósticos educacionales, un maestro/a de educación especial y un maestro/a regular u otro profesional en educación.

El equipo de profesionales debe poseer conocimiento del estudiante que va a ser evaluado, del proceso de la lectura, en la dislexia y otros desórdenes, de la instrucción para tratar la dislexia, de las regulaciones federales y estatales que los distritos y escuelas subvencionadas deben utilizar para evaluar la dislexia, de los instrumentos de evaluación utilizados y del significado de la información recolectada. Además, se recomienda que los padres del estudiante estén presentes durante dicho proceso.

Esta respuesta no aplica necesariamente a los estudiantes protegidos por el Acta de Individuos con Discapacidades (IDEA.) Si un estudiante está protegido por el acta, las decisiones en cuanto a servicios las debe hacer el comité que representa al estudiante (ARD), y podría incluir miembros del comité de dislexia.

23 ¿Cuáles son las responsabilidades del comité que identifica a un estudiante con dislexia?

- El comité es responsable de evaluar toda la información para identificar a los estudiantes con dislexia u otros desórdenes. Este comité (o comités) puede pertenecer al distrito escolar, a una escuela en el distrito o a la escuela subvencionada.
- El comité debe asegurarse que el programa instruccional adecuado para cada estudiante identificado con dislexia u otros desórdenes, esté disponible en la escuela del estudiante.
- El comité debe asegurarse que se sigan los procedimientos del La junta estatal de educación del Estado, que aparecen en este manual.
- El comité debe coordinar la identificación y recomendación de programas en conjunto con el comité encargado de evaluar el dominio del idioma inglés (LPAC), cuando sea necesario.

24 ¿Qué tipo de información debe revisarse?

El equipo debe revisar la información del estudiante, la cual se encuentra en la carpeta escolar, la información proporcionada por los padres y maestros, información sobre evaluaciones en áreas de lectura y cualquier otro tipo de información necesaria. (Vea el capítulo III, *Procedimientos y medidas para evaluar a los estudiantes con dislexia.*)

25 ¿Qué factores debe el comité considerar antes de ofrecer servicios de dislexia?

Se puede determinar la identificación en base a lo siguiente:

- El estudiante no ha demostrado progreso académico en relación con su potencial.
- El estudiante posee un grado de inteligencia adecuado.
- El estudiante presenta características de dislexia y otros desórdenes.

Las dificultades de lectura del estudiante y las características de la dislexia se verán reflejadas o se justificarán, en base al bajo rendimiento que el estudiante demuestre en relación con su edad y nivel educacional, en algunas o en todas las áreas siguientes:

- Lectura de palabras independientes;
- Decodificación de palabras (reales y de ficción);
- Conciencia fonológica;
- Reconocimiento de palabras (nombres y sonidos que los representan);
- Eficacia para nombrar palabras en forma rápida;
- Fluidez/velocidad y precisión;
- Comprensión de lectura; y/o
- Deletreo de palabras.

Los siguientes factores NO deben ser usados en forma independiente, para identificar a un estudiante que pudiera participar en un programa de dislexia:

- El primer idioma del estudiante no es inglés.
- El estudiante tiene asistencia irregular.
- El estudiante carece de experiencias culturales.
- El estudiante tiene un daño cerebral, cirugía o algún tipo de enfermedad.

26 ¿Es necesario usar un examen de inteligencia individual para identificar a estudiantes con dislexia u otros desórdenes?

No. Si el comité encargado, determina que el estudiante tiene un grado de inteligencia adecuado, según la información obtenida, no es necesario utilizar un examen de inteligencia. El distrito debe documentar dicha determinación.

27 ¿Qué tipo de examen puede usarse para determinar un grado de inteligencia adecuado? y ¿Existe un puntaje promedio para dicha determinación?

Se puede utilizar cualquier examen que sea adecuado para evaluar la inteligencia, incluso se puede usar un examen de comprensión auditiva. Se puede usar cualquier examen individual estandarizado, pero no se requiere.

No existe un punto promedio para determinar el grado de inteligencia. Esta determinación estará basada en las políticas educacionales del distrito o escuela subvencionada.

Programa Instruccional

28 ¿Deben todas las escuelas del distrito tener un programa de dislexia?

Sí. En conformidad con la sección 19, capítulo §74.28 del Código Administrativo de Texas.

29 ¿Deben todos los distrito escolares y escuelas subvencionadas, proporcionar una instrucción adecuada a los estudiantes identificados con dislexia, en cada grado escolar hasta el grado 12?

Sí. Todos los estudiantes que han sido identificados para participar en programas de dislexia, deben recibir una instrucción de lectura que enfatice las necesidades y las habilidades de cada estudiante. El programa de instrucción debe cumplir los requisitos de descripción que aparecen en este manual y, si es necesario, incluir en dicho programa los componentes de lectura, escritura y deletreo, que necesita cada estudiante.

30 ¿Cuál es la diferencia en el tipo de instrucción, que reciben los estudiantes con dislexia en clases regulares y los estudiantes con dislexia que participan en programas de educación especial?

Puede que exista o no diferencia. En el capítulo V de este manual, *Instrucción educacional para estudiantes con dislexia*, se describe la instrucción de lectura que se debe desarrollar para servir a los estudiantes con dislexia. Los estudiantes que califican para educación especial, tienen un programa de educación individual (IEP), desarrollado por el comité encargado de la revisión, admisión y salida de los estudiantes en el programa (ARD.) El plan educacional individual de los estudiantes con dislexia que califican para educación especial, debe incluir un programa de instrucción de lectura que incluya los requisitos de descripción que aparecen en este manual.

Los distritos escolares y las escuelas subvencionadas, deben asegurarse que los estudiantes que participan en programas de educación especial, no se les niegue la participación en otros programas, debido a sus discapacidades. Hasta donde se pueda, el estudiante debe ser educado en un ambiente donde pueda convivir con estudiantes sin discapacidades y que pueda tener acceso a un tipo de instrucción, que lo capacite para participar y progresar en el programa educacional regular. Esto significa, que los estudiantes identificados en educación especial y que también cumplen con la definición de dislexia u otros desórdenes del estado de Texas, deben:

- Tener un plan de educación individual (IEP) que les asegure el acceso a programas de instrucción en lectura y composición escrita, que cumplan con las regulaciones del La junta estatal de educación del Estado y con los procedimientos relativos a la dislexia y otros desórdenes.
- Tener acceso a los programas del distrito o de la escuela subvencionada para estudiantes con dislexia, a menos que el comité encargado de la revisión, admisió y salida de los estudiantes (ARD), determine que dicho programa le podría impedir a un estudiante, el acceso a una educación pública apropiada y libre (FAPE) y a beneficios educacionales; y
- Tener la oportunidad de que el comité encargado de la revisión, admisión y salida de los estudiantes (ARD), considere el número de servicios disponibles para los estudiantes con dislexia, con el objeto de recomendar servicios educacionales que tengan un mínimo de restricciones.

31 ¿Cuánto tiempo debe un estudiante permanecer en un programa instruccional diseñado para estudiantes con dislexia u otros desórdenes?

El distrito escolar y la escuela subvencionada determina el tipo de programa alternativo y establece el criterio de salida. Incluso después de que el estudiante haya dejado el programa, puede necesitar de servicios adicionales en el programa regular, con el objeto de tener éxito académico. El distrito o escuela debe proporcionar tal apoyo, de acuerdo al capítulo de ley §504 o proporcionar otros tipos de asistencia o ayuda. Adicionalmente, la escuela debería supervisar el progreso del estudiante en forma regular, de modo que se verifique que el estudiante mantiene un desarrollo exitoso en la lectura.

Docentes

32 ¿Qué tipo de certificación deben tener los maestros que sirven a los estudiantes con dislexia y otros desórdenes?

Necesitan certificados válidos para ejercer la pedagogía en los niveles de educación primara y secundaria, dependiendo del nivel que se les asigne. Los maestros que tienen conocimiento en las áreas de la enseñanza de la lectura y en el área relacionada con las discapacidades para el desarrollo de la lectura, son considerados como primordiales para los programas de instrucción de los estudiantes con dislexia y otros desórdenes. Los maestros necesitan capacitación para desarrollar la instrucción que se describe en el capítulo V de este manual.

Apéndice E: Contactos para información adicional

Contactos para comunicarse con las personas encargadas de la dislexia en los centros de servicios educacionales de Texas.

Para obtener información adicional sobre la dislexia, contáctese con el centro de servicios de educación de su región. Cuando llame, pida hablar con la persona encargada de la dislexia en su región.

Región I	1900 W. Schunior Edinburg, TX 78539 (956) 984-6000 Fax (956) 984-6159	**Región XI**	3001 North Freeway Fort Worth, TX 76106-6596 (817) 740-3600 Fax (817) 740-7600
Región II	209 N. Water Street Corpus Christi, TX 78401-2599 (361) 561-8400 Fax (361) 883-3442	**Región XII**	P.O. Box 23409 Waco, TX 76702-3409 (254) 666-0707 Fax (254) 666-0823
Región III	1905 Leary Lane Victoria, TX 77901-2899 (361) 573-0731 Fax (361) 576-4804	**Región XIII**	5701 Springdale Road Austin, TX 78723-3675 (512) 919-5313 Fax (512) 919-5374
Región IV	7145 W. Tidwell Houston, TX 77092-2096 (713) 462-7708 Fax (713) 744-6514	**Región XIV**	1850 State Hwy. 351 Abilene, TX 79601-4750 (915) 675-8600 Fax (915) 675-8659
Región V	2295 Delaware Street Beaumont, TX 77703-4299 (409) 838-5555 Fax (409) 833-9755	**Región XV**	P.O. Box 5199 San Angelo, TX 76902-5199 (915) 658-6571 Fax (915) 658-6571
Región VI	3332 Montgomery Road Huntsville, TX 77340-6499 (936) 295-9161 (936) 295-1447	**Región XVI**	P.O. Box 30600 Amarillo, TX 79120-0600 (806) 376-5521 Fax (806) 373-3432
Región VII	P.O. Box 1622 Kilgore, TX 75663-1622 (903) 984-3071 Fax (903) 984-9518	**Región XVII**	1111 W. Loop 289 Lubbock, TX 79416-5029 (806) 792-4000 Fax (806) 792-1523
Región VIII	P.O. Box 1894 Mt. Pleasant, TX 75456-1894 (903) 572-8551 Fax (903) 575-2611	**Región XVIII**	P.O. Box 60580 Midland, TX 79711-0580 (915) 563-2380 Fax (915) 567-3290
Región IX	301 Loop 11 Wichita Falls, TX 76309-3799 (940) 322-6928 (940) 767-3836	**Región XIX**	P.O. Box 971127 El Paso, TX 79997-1127 (915) 780-1919 Fax (915) 780-6537
Región X	P.O. Box 831300 Richardson, TX 75083-1300 (972) 348-1700 Fax (972) 231-3642	**Región XX**	1314 Hines Avenue San Antonio, TX 78208-1899 (210) 370-5200 Fax (210) 370-5750

Contactos estatales y federales

Para obtener información adicional sobre la dislexia, comuníquese con:

Especialistas estatales de la dislexia
Región 10, Centro de Servicios de Educación
400 E. Spring Valley Road
Richardson, TX 75083-1300
1-800-232-3030
www.ednet10.net/dyslexia.pdf

Director o Subdirector de Lectura
Agencia de Educación de Texas
División de Currículum y Desarrollo Profesional
1701 N. Congress Avenue
Austin, TX 78701-1494
(512) 463-9581
www.tea.state.tx.us

Para obtener información adicional sobre el Acta de Rehabilitación de 1973, capítulo §504, contáctese con:

La Oficina de Derechos Civiles
Oficina Regional en Dallas
1999 Bryan, Suite 2600
Dallas, TX 75201
(214) 880-2459
ocr@ed.gov

Organizaciones

Nota: Esta lista **NO** ha sido aprobada por la Agencia de Educación de Texas, pero proporciona información adicional de instituciones relacionadas con la dislexia.

ALTA **Asociación de Lenguaje Académico y Terapia** 4020 McEwen, Suite 105 Dallas, TX 75244-5041 (972) 233-9107 ext. 204 Fax (972) 490-4219 HOPELINE (972) 907-3924 www.ALTAread.org	**LDAT** **Asociación de Discapacidades del Aprendizaje de Texas** 1011 West 31st Street Austin, TX 78705 (512) 458-8234 (800) 604-7500 (Texas residents only) http://ourworld.compuserve.com/homepages/LDAT
Departamento de Pediatría/ **Universidad de Houston** Centro de Habilidades de Lectura y Desarrollo Académico 7000 Fannin, UCT2443 Houston, TX 77030 (713) 500-3686 http://cars.uth.tmc.edu	**LEAD** **Educación de la Lectura y Escritura y del Desarrollo Académico, Inc.** P.O. Box 262 Argyle, TX 76226 (940) 464-3752 Fax (940) 464-7293
EDMAR Asociados Educacionales P.O. Box 2 Forney, TX 75126 (972) 564-5005 Fax (972) 564-6606 E-mail: mtaysmith@msn.com	**NCLD** **Centro Nacional para las Discapacidades del Aprendizaje** 381 Park Avenue South, Suite 1401 New York, NY 10016 (212) 545-7510 or (888) 575-7373 Fax (212) 545-9665 www.NCLD.org
IDA **Asociación de Dislexia Internacional** 8600 LaSalle Road, Suite 382 Chester Building Baltimore, MD 21286-2044 (800) ABCD-123 http://interdys.org	**Centro de Educación Neuhaus** 4433 Bissonnet Bellaire, TX 77401 (713) 664-7676 http://www.neuhaus.org
Asociación Internacional de la Lectura P.O. Box 8139 Newark, DE 19714-8139 (800) 336-READ Fax (302) 731-1057 www.reading.org	**RFB&D** **Grabación para los Ciegos y Disléxicos** 20 Roszel Road Princeton, NJ 08540 (609) 452-0606 www.rfbd.org
James P. Williams Memorial Foundation 515 W. Harris Avenue, Suite 104 San Angelo, TX 76903 (915) 655-2331	**RFB&D** **Centro de Grabación para los Ciegos y Disléxicos de Texas** 1314 West 45th Street Austin, Texas 78756 (512) 323-9390 www.rfbdtexas.org

LDA **Asociación para las Discapacidades del Aprendizaje** 4156 Library Road Pittsburgh, PA 15234 (412) 341-1515 www.LDAAmerica.org	**Centro de Capacitación Multisensorial** 600 S. Jupiter Road Allen, TX 75002 (972) 359-6646 Fax (972) 359 8291
Centro del Aprendizaje "Scottish Rite" P.O. Box 10135 Lubbock, TX 79408 (806) 765-9150 Fax (806) 765-9564	**Hospital para Niños "Texas Scottish Rite"** 2222 Welborn Street Dallas, TX 75219-9813 (214) 559-7800 www.tsrhc.org
Aprendizaje de la Terapia, de la Universidad "Southern Methodist" P.O. Box 750384 Dallas, TX 75219-9813 (214) 768-7323 Fax (214) 768-4313 Learning.Therapy@mail.smu.edu	**Asociación de Lectura del Estado de Texas** P.O. Box 4396 Austin, Texas 78765-4396 (800) 326-5274 www.texasira.org

Apéndice F: Publicaciones relacionadas con la dislexia

Aaron, P. G. & Joshi, R. M. (1992). *Reading problems*. New York: Guilford Press.

Adams, M. (1990). *Beginning to read: Thinking and learning about print*. Cambridge: MIT Press.

Adams, M., Foorman, B., Lundberg, I., & Beeler, T. (1998). The elusive phoneme. *American Educator*, 22 (1 & 2), 18-29.

Armstrong, T. (1994). *Multiple intelligences in the classroom*. Alexandria, VA: ASCD Publications.

Beck, I., McKeown, M., Hamilton, R., & Kucan, L. (1998). Getting at the meaning. *American Educator*, 22, 66-71, 85.

Blachman, B. (1991). Early intervention for children's reading problems: Clinical applications of the research in phonological awareness. *Topics in Language Disorders, 12* (1), 51-65.

Birsh, J. R. (1999). *Multisensory teaching of basic language skills*. Baltimore, MD: Brookes.

Cain, R. N., & Caine, G. (1991, 1994). *Making connections: Teaching and the human brain*. Menlo Park, CA: Innovative Learning Publications.

Clark, D., & Uhry, J. (Eds.). (1995). *Dyslexia: Theory and practice of remedial instruction*. (2nd ed.). Baltimore: York Press.

Cunningham, A., & Stanovich, K. (1998). What reading does for the mind. *American Educator*, 22 (1 & 2), 8-15.

Cunningham, P., & Allington, R. (1994). *Classrooms that work: They can all read and write*. New York: Harper Collins College Publishers.

Fox, B. (1996). *Strategies for word identification: Phonics from a new perspective*. Englewood Cliffs, NJ: Prentice-Hall.

Goldsworthy, C. L. (1996). *Developmental reading disabilities: A language based approach*. San Diego, CA: Singular.

Guszak, F. (1992). *Reading for students with special needs*. Dubuque, IA: Kendall/Hunt.

Healy, J. (1990). *Endangered minds: Why children don't think and what we can do about it*. New York: Touchstone.

Hume, C., & Snowling, M. (Eds.). (1994). *Reading development and dyslexia*. San Diego, CA: Singular.

Levine, M. (1994). *Educational care: A system for understanding and helping children with learning problems at home and in school*. Cambridge, MA: Educators Publishing Service.

Lyon, G. R. (1995). Toward a definition of dyslexia. *Annals of Dyslexia*, 45, 3-27.

Meyer, M. S., & Felton, R. H. (1999). Repeated reading to enhance fluency: Old approaches and new directions. *Annals of Dyslexia*, 49, 283-306.

Moats, L. (1998). Teaching decoding. *American Educator*, 22 (1&2), 42-49, 95.

Moats, L. (2000). *Language essentials for teachers*. Baltimore, MD: Brookes.

Putnam, L. R. (1996). *How to become a better reading teacher: Strategies for assessment and intervention*. Englewood Cliffs, NJ: Prentice-Hall, Inc.

Shaywitz, S. (1998). Dyslexia. *New England Journal of Medicine*, 338, 307-311.

Shaywitz, S. (1996). Dyslexia. *Scientific American*, 275, 98-104.

Snow, C. E., Burns, M. S., and Griffin, P. (1998): *Prevention of Reading Difficulties in Young Children*. Washington, DC: National Academy Press.

Stanovich, K. (1986). Matthew effects in reading: Some consequences of individual differences in the acquisition of literacy. *Reading Research Quarterly, 21*, 38-44.

Stanovich, K. (1988). *Children's reading and the development of phonological awareness*. Detroit, MI: Wayne State University.

Torgesen, J. (1998). Catch them before they fall. *American Educator*, 22 (1 & 2), 32-39.

Torgesen, J., & Mathes P. G., (2000). *A basic guide to understanding, assessing, and teaching phonological awareness*. Austin, TX: Pro-Ed.

Vail, P. (1990). *About dyslexia: Unraveling the myth*. Rosemont, NJ: Modern Learning Press.

Vail, P. (1987). *Smart kids with school problems: Things to know and ways to help*. New York: New American Library.

Valentine, F. (1987). Dyslexia. *Scientific American*, 256, 34-41.

Apéndice G: Acta de Rehabilitación de 1973, Sección 504 (Ley Federal)

TITLE 34-EDUCATION

SUBTITLE B - REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER I—OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 104—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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104.2 Application.
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104.5 Assurances required.
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104.7 Designation of responsible employee and adoption of grievance procedures.
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APPENDIX A TO PART 104—ANALYSIS OF FINAL REGULATION

APPENDIX B TO PART 104—GUIDELINES FOR ELIMINATING DISCRIMINATION AND DENIAL OF SERVICES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, AND HANDICAP IN VOCATIONAL EDUCATION PROGRAMS [NOTE]

AUTHORITY: 20 U.S.C. 1405; 29 U.S.C. 794.

SOURCE: 45 FR 30936, May 9, 1980, unless otherwise noted.

Subpart A—General Provisions

§104.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

§104.2 Application.

This part applies to each recipient of Federal financial assistance from the Department of Education and to the program or activity that receives such assistance.

§104.3 Definitions.

As used in this part, the term:

(a) *The Act* means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794.

(b) *Section 504* means section 504 of the Act.

(c) *Education of the Handicapped Act* means that statute as amended by the Education for all Handicapped Children Act of 1975, Pub. L. 94-142, 20 U.S.C. 1401 et seq.

(d) *Department* means the Department of Education.

(e) *Assistant Secretary* means the Assistant Secretary for Civil Rights of the Department of Education.

(f) *Recipient* means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) *Applicant for assistance* means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) *Federal financial assistance* means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(i) *Facility* means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(j) *Handicapped person*—(1) *Handicapped persons* means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the phrase:

(i) *Physical or mental impairment* means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) *Major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) *Has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) *Is regarded as having an impairment* means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

(k) *Program or activity* means all of the operations of—

(1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(i) A college, university, or other postsecondary institution, or a public system of higher education; or

(ii) A local educational agency (as defined in 20 U.S.C. 8801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (k)(1), (2), or (3) of this section; any part of which is extended Federal financial assistance.

(Authority: 29 U.S.C. 794(b))

(l) *Qualified handicapped person* means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(2) With respect to public preschool elementary, secondary, or adult educational services, a handicappped person (i) of an age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to handicapped persons, or (iii) to whom a state is required to provide a free appropriate public education under section 612 of the Education of the Handicapped Act; and

(3) With respect to postsecondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity;

(4) With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(m) *Handicap* means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j) of this section.

§104.4 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activitiy which receives Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipients program or activity;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different aid, benefits, or services provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such aid, benefits, or services that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program or activity with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives Federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or service provided under a program or activity receiving Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(c) *Aid, benefits or services limited by Federal law.* The exclusion of nonhandicapped persons from aid, benefits, or services limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from aid, benefits, or services limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

§104.5 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance to which this part applies shall submit an assurance, on a form specified by the Assistant Secretary, that the program or activity will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (b)(2) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the covenant shall also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on the property for the purposes for which the property was transferred, the Assistant Secretary may, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he or she deems appropriate, agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

§104.6 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Assistant Secretary, where appropriate, may require either or both recipients to take remedial action.

(3) The Assistant Secretary may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program or activity but who were participants in the program or activity when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program or activity had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this part; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that employs fifteen or more persons shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Assistant Secretary upon request:

(i) A list of the interested persons consulted,

(ii) A description of areas examined and any problems identified, and

(iii) A description of any modifications made and of any remedial steps taken.

§104.7 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

(b) *Adoption of grievance procedures.* A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§104.8 Notice.

(a) A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program or activity. The notification shall also include an identification of the responsible employee designated pursuant to § 104.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§104.9 Administrative requirements for small recipients.

The Assistant Secretary may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§ 104.7 and 104.8, in whole or in part, when the Assistant Secretary finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§104.10 Effect of state or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.

Subpart C—Accessibility

§104.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§104.22 Existing facilities.

(a) *Accessibility.* A recipient shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 104.23, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that serve handicapped persons in the most integrated setting appropriate.

(c) *Small health, welfare, or other social service providers.* If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services that are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicappped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full accessibility in order to comply with paragraph (a) of this section and, if the time period of the transition plan is longer than one year, identify the steps of that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usuable by handicapped persons.

§104.23 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *Conformance with Uniform Federal Accessibility Standards.* (1) Effective as of January 18, 1991, design, construction, or alteration of buildings in conformance with sections 3-8 of the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101-19.6) shall be deemed to comply with the requirements of this section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

(2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of persons with phusical handicaps.

(3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

[45 FR 30936, May 9, 1980; 45 FR 37426, June 3, 1980, as amended at 55 FR 52138, 52141, Dec. 19, 1990]

Subpart D—Preschool, Elementary, and Secondary Education

§104.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs or activities that receive Federal financial assistance and to recipients that operate, or that receive Federal financial assistance for the operation of, such programs or activities.

§104.32 Location and notification.

A recipient that operates a public elementary or secondary education program or activity shall annually:

(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and

(b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

§104.33 Free appropriate public education.

(a) *General.* A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) *Appropriate education.* (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36.

(2) Implementation of an Individualized Education Program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.

(3) A recipient may place a handicapped person or refer such a person for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

(c) *Free education*—(1) *General.* For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for those fees that are imposed on non-handicapped persons or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the aid, benefits, or services. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a handicapped person.

(2) *Transportation.* If a recipient places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the recipient as its means of carrying out the requirements of this subpart, the recipient shall ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the aid, benefits, or services operated by the recipient.

(3) *Residential placement.* If a public or private residential placement is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the placement, including non-medical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

(4) *Placement of handicapped persons by parents.* If a recipient has made available, in conformance with the requirements of this section and §104.34, a free appropriate public education to a handicapped person and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made a free appropriate public education available or otherwise regarding the question of financial responsibility are subject to the due process procedures of §104.36.

(d) *Compliance.* A recipient may not exclude any qualified handicapped person from a public elementary or secondary education after the effective date of this part. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than September 1, 1978.

§104.34 Educational setting.

(a) *Academic setting.* A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) *Nonacademic settings.* In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 104.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) *Comparable facilities.* If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

§104.35 Evaluation and placement.

(a) *Preplacement evaluation.* A recipient that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is belived to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

(b) *Evaluation procedures.* A recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which ensure that:

(1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

(3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

(c) *Placement procedures.* In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is made in conformity with §104.34.

(d) *Reevaluation.* A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act is one means of meeting this requirement.

§104.36 Procedural safeguards.

A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

§104.37 Nonacademic services.

(a) *General.* (1) A recipient to which this subpart applies shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

(2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment.

(b) *Counseling services.* A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities.

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different from those offered to nonhandicapped students only if separation or differentiation is consistent with the requirements of §104.34 and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

§104.38 Preschool and adult education.

A recipient to which this subpart applies that provides preschool education or day care or adult education may not, on the basis of handicap, exclude qualified handicapped persons and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided.

§104.39 Private education.

(a) A recipient that provides private elementary or secondary education may not, on the basis of handicap, exclude a qualified handicapped person if the person can, with minor adjustments, be provided an appropriate education, as defined in §104.33(b)(1), within that recipient's program or activity.

(b) A recipient to which this section applies may not charge more for the provision of an appropriate education to handicapped persons than to nonhandicapped persons except to the extent that any additional charge is justified by a substantial increase in cost to the recipient.

(c) A recipient to which this section applies that provides special education shall do so in accordance with the provisions of §§ 104.35 and 104.36. Each recipient to which this section applies is subject to the provisions of §§ 104.34, 104.37, and 104.38.

Subpart G—Procedures

§104.61 Procedures.

The procedural provisions applicable to title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 100.6-100.10 and part 101 of this title.

23. *Free appropriate public education.* Under 104.33(a), a recipient is responsible for providing a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction. The word "in" encompasses the concepts of both domicile and actual residence. If a recipient places a child in a program other than its own, it remains financially responsible for the child, whether or not the other program is operated by another recipient or educational agency. Moreover, a recipient may not place a child in a program that is inappropriate or that otherwise violates the requirements of Subpart D. And in no case may a recipient refuse to provide services to a handicapped child in its jurisdiction because of another person's or entity's failure to assume financial responsibility.

Section 104.33(b) concerns the provision of appropriate educational services to handicapped children. To be appropriate, such services must be designed to meet handicapped children's individual educational needs to the same extent that those of nonhandicapped children are met. An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions and may be accompanied by such related services as developmental, corrective, and other supportive services (including psychological, counseling, and medical diagnostic services). The placement of the child must however, be consistent with the requirements of 104.34 and be suited to his or her educational needs.

The quality of the educational services provided to handicapped students must equal that of the services provided to nonhandicapped students; thus, handicapped student's teachers must be trained in the instruction of persons with the handicap in question and appropriate materials and equipment must be available. The Department is aware that the supply of adequately trained teachers may, at least at the outset of the imposition of this requirement, be insufficient to meet the demand of all recipients. This factor will be considered in determining the appropriateness of the remedy for noncompliance with this section. A new 104.33(b)(2) has been added, which allows this requirement to be met through the full implementation of an individualized education program developed in accordance with the standards of the EHA.

Paragraph (c) of 104.33 sets forth the specific financial obligations of a recipient. If a recipient does not itself provide handicapped persons with the requisite services, it must assume the cost of any alternate placement. If, however, a recipient offers adequate services and if alternate placement is chosen by a student's parent or guardian, the recipient need not assume the cost of the outside services. (If the parent or guardian believes that his or her child cannot be suitably educated in the recipient's program, he or she may make use of the procedures established in 104.36.) Under this paragraph, a recipient's obligation extends beyond the provision of tuition payments in the case of placement outside the regular program. Adequate transportation must also be provided. Recipients must also pay for psychological services and those medical services necessary for diagnostic and evaluative purposes.

If the recipient places a student, because of his or her handicap, in a program that necessitates his or her being away from home, the payments must also cover room and board and nonmedical care (including custodial and supervisory care). When residential care is necessitated not by the student's handicap but by factors such as the student's home conditions, the recipient is not required to pay the cost of room and board.

Two new sentences have been added to paragraph (c)(1) to make clear that a recipient's financial obligations need not be met solely through its own funds. Recipients may rely on funds from any public or private source including insurers and similar third parties.

The EHA requires a free appropriate education to be provided to handicapped children "no later than September 1, 1978," but Section 504 contains no authority for delaying enforcement. To resolve this problem, a new paragraph (d) has been added to 104.33. Section 104.33(d) requires recipients to achieve full compliance with the free appropriate public education requirements of 104.33 as expeditiously as possible, but in no event later than September 1, 1978. The provision also makes clear that, as of the effective date of this regulation, no recipient may exclude a qualified handicapped child from its educational program. This provision against exclusion is consistent with the order of providing services set forth in Section 612(3) of the EHA, which places the highest priority on providing services to handicapped children who are not receiving an education.

24. *Educational setting.* Section 104.34 prescribes standards for educating handicapped persons with nonhandicapped persons to the maximum extent appropriate to the needs of the handicapped person in question. A handicapped student may be removed from the regular educational setting only where the recipient can show that the needs of the student would, on balance, be served by placement in another setting.

Although under 104.34, the needs of the handicapped person are determinative as to proper placement, it should be stressed that, where a handicapped student is so disruptive in a regular classroom that the education of other students is significantly impaired, the needs of the handicapped child cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs and would not be required by 104.34.

Among the factors to be considered in placing a child is the need to place the child as close to home as possible. A new sentence has been added to paragraph (a) requiring recipients to take this factor into account. As pointed out in several comments, the parents' right under 104.36 to challenge the placement of their child extends not only to placement in special classes or separate schools but also to placement in a distant school and, in particular, to residential placement. An equally appropriate educational program may exist closer to home; this issue may be raised by the parent or guardian under 104.34 and 104.36.

New paragraph (b) specified that handicapped children must also be provided nonacademic services in as integrated a setting as possible. This requirement is especially important for children whose educational needs necessitate their being solely with other handicapped children during most of each day. To the maximum extent appropriate, children in residential settings are also to be provided opportunities for participation with other children.

Section 104.34(c) requires that any facilities that are identifiable as being for handicapped students be comparable in quality to other facilities of the recipient. A number of comments objected to this section on the basis that it encourages the creation and maintenance of such facilities. This is not the intent of the provision. A separate facility violates Section 504 unless it is indeed necessary to the provision of an appropriate education to certain handicapped students. In those instances in which such facilities are necessary (as might be the case, for example, for severely retarded persons), this provision requires that the educational services provided be comparable to those provided in the facilities of the recipient that are not identifiable as being for handicapped persons.

25. *Evaluation and placement.* Because the failure to provide handicapped persons with an appropriate education is so frequently the result of misclassification or misplacement, 104.33(b)(1) makes compliance with its provisions contingent upon adherence to certain procedures designed to ensure appropriate classification and placement. These procedures, delineated in 104.35 and 104.36, are concerned with testing and other evaluation methods and with procedural due process rights.

Section 104.35(a) requires that an individual evaluation be conducted before any action is taken with respect either to the initial placement of a handicapped child in a regular or special education program or to any subsequent significant change in that placement. Thus, a full reevaluation is not required every time an adjustment in placement is made. "Any action" includes denials of placement.

Paragraphs (b) and (c) of 104.35 establishes procedures designed to ensure that children are not misclassified, unnecessarily labeled as being handicapped, or incorrectly placed because of inappropriate selection, administration, or interpretation of evaluation materials. This problem has been extensively documented in "Issues in the Classification of Children," a report by the Project on Classification of Exceptional Children, in which the HEW Interagency Task Force participated. The provisions of these paragraphs are aimed primarily at abuses in the placement process that result from misuse of, or undue or misplaced reliance on, standardized scholastic aptitude tests.

Paragraph (b) has been shortened but not substantively changed. The requirement in former subparagraph (1) that recipients provide and administer evaluation materials in the native language of the student has been deleted as unnecessary, since the same requirement already exists under Title VI and is more appropriately covered under that statute. Paragraphs (1) and (2) are, in general, intended to prevent misinterpretation and similar misuse of test scores and, in particular, to avoid undue reliance on general intelligence tests. Subparagraph (3) requires a recipient to administer tests to a student with impaired sensory, manual, or speaking skills in whatever manner is necessary to avoid distortion of the test results by the impairment. Former subparagraph (4) has been deleted as unnecessarily repetitive of the other provisions of this paragraph.

Paragraph (c) requires a recipient to draw upon a variety of sources in the evaluation process so that the possibility of error in classification is minimized. In particular, it requires that all significant factors relating to the learning process, including adaptive behavior, be considered. (Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.) Information from all sources must be documented and considered by a group of persons, and the procedure must ensure that the child is placed in the most integrated setting appropriate.

The proposed regulation would have required a complete individual reevaluation of the student each year. The Department has concluded that it is inappropriate in the Section 504 regulation to require full reevaluations on such a rigid schedule. Accordingly, 104.35(c) requires periodic reevaluations and specifies that reevaluations in accordance with the EHA will constitute compliance. The proposed regulation implementing the EHA allows reevaluation at three-year intervals except under certain specified circumstances.

Under 104.36, a recipient must establish a system of due process procedures to be afforded to parents or guardians before the recipient takes any action regarding the identification, evaluation, or educational placement of a person who, because of handicap, needs or is believed to need special education or related services. This section has been revised. Because the due process procedures of the EHA, incorporated by reference in the proposed Section 504 regulation, are inappropriate for some recipients not subject to that Act, the section now specifies minimum necessary procedures: notice, a right to inspect records, an impartial hearing with a right to representation by counsel, and a review procedure. The EHA procedures remain one means of meeting the regulation's due process requirements, however, and are recommended to recipients as a model.

26. *Nonacademic services.* Section 104.37 requires a recipient to provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation. Because these services and activities are part of a recipient's education program, they must, in accordance with the provisions of 104.34, be provided in the most integrated setting appropriate.

Revised paragraph (c)(2) does permit separation or differentiation with respect to the provision of physical education and athletics activities, but only if qualified handicapped students are also allowed the opportunity to compete for regular teams or participate in regular activities. Most handicapped students are able to participate in one or more regular physical education and athletics activities.

Finally, the one-year transition period provided in a proposed section was deleted in response to the almost unanimous objection of commenters to that provision.

27. *Preschool and adult education.* Section 104.38 prohibits discrimination on the basis of handicap in preschool and adult education programs. Former paragraph (b), which emphasized that compensatory programs for disadvantaged children are subject to Section 504, has been deleted as unnecessary, since it is comprehended by paragraph (a).

28. *Private education.* Section 104.39 sets forth the requirements applicable to recipients that operate private education programs and activities. The obligations of these recipients have been changed in two significant respects: first, private schools are subject to the evaluation and due process provisions of the subpart only if they operate special education programs; second, under 104.39(b), they may change more for providing services to handicapped students than to nonhandicapped students to the extent that additional charges can be justified by increased costs.

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Paragraph (a) of 104.39 is intended to make clear that recipients that operate private education programs and activities are not required to provide an appropriate education to handicapped students with special educational needs if the recipient does not offer programs designed to meet those needs. Thus, a private school that has no program for mentally retarded persons is neither required to admit such a person into its program nor to arrange or pay for the provision of the person's education in another program. A private recipient without a special program for blind students, however, would not be permitted to exclude, on the basis of blindness, a blind applicant who is able to participate in the regular program with minor adjustments in the manner in which the program is normally offered.

Appendix H: Texas Education Code §38.003 (State Law)

§38.003. Screening and Treatment for Dyslexia and Related Disorders

(a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.

(b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.

(c) The State Board of Education shall adopt any rules and standards necessary to administer this section.

(d) In this section:

(1) "Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

(2) "Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

Appendix I: Texas Education Code §28.006 (State Law)

§ 28.006. Reading Diagnosis

(a) The commissioner shall develop recommendations for school districts for:

(1) administering reading instruments to diagnose student reading development and comprehension;

(2) training educators in administering the reading instruments; and

(3) applying the results of the reading instruments to the instructional program.

(b) The commissioner shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in addition to the reading instruments on the commissioner's list. Each reading instrument adopted by the commissioner or a district-level committee must be based on scientific research concerning reading skills development and reading comprehension. A list of reading instruments adopted under this subsection must provide for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29.

(c) Each school district shall administer, at the kindergarten and first and second grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).

(d) The superintendent of each school district shall:

(1) report to the commissioner and the board of trustees of the district the results of the reading instruments; and

(2) report, in writing, to a student's parent or guardian the student's results on the reading instrument.

(e) The results of reading instruments administered under this section may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under Chapter 39.

(f) This section may be implemented only if funds are appropriated for administering the reading instruments. Funds, other than local funds, may be used to pay the cost of administering a reading instrument only if the instrument is on the list adopted by the commissioner.

(g) A school district shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter B, Chapter 29, and who does not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an accelerated reading instruction program under this subsection.

(h) The school district shall make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language.

(i) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds.

(j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.051(b)(7) and may implement sanctions under Subchapter G, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(k) The provisions of this section relating to parental notification of a student's results on the reading instrument and to implementation of an accelerated reading instruction program may be implemented only if the commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program specified under this section.

Text of subsection (l) effective until January 1, 2002

(l) Each district shall provide the accelerated reading instruction under Subsection (g) to students in:

(1) kindergarten during the 1999-2000 school year;

(2) kindergarten and first grade during the 2000-2001 school year; and

(3) kindergarten and first and second grades beginning with the 2001-2002 school year.

Text of subsection (m) effective until January 1, 2002

(m) Subsection (l) and this subsection expire January 1, 2002.

Added by Acts 1997, 75th Leg., ch. 397, § 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 396, § 2.11, eff. Sept. 1, 1999.

Appendix J: Texas Administrative Code §74.28 (State Board of Education Rule)

§74.28. Students with Dyslexia and Related Disorders.

(a) The board of trustees of a school district must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student are implemented in the district. These procedures will be monitored by the Texas Education Agency (TEA) with on-site visits conducted as appropriate.

(b) A school district's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, and techniques for treating, dyslexia and related disorders. The strategies and techniques are described in "Procedures Concerning Dyslexia and Related Disorders," a set of flexible guidelines for local districts that may be modified by SBOE only with broad-based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. Screening should only be done by individuals/professionals who are trained to assess students for dyslexia and related disorders.

(c) A school district may purchase a reading program or develop its own reading program for students with dyslexia and related disorders, as long as the program is characterized by the descriptors found in "Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies which utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Procedures Concerning Dyslexia and Related Disorders" and in the professional development activities specified by each district and/or campus planning and decision making committee.

(d) Before an identification or assessment procedure is used selectively with an individual student, the school district must notify the student's parent or guardian or another person standing in parental relation to the student.

(e) Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, must be informed of all services and options available to the student under that federal statute.

(f) Each school must provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The school district may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.

(g) Because early intervention is critical, a program for early identification, intervention, and support for students with dyslexia and related disorders must be available in each district as outlined in the "Procedures Concerning Dyslexia and Related Disorders."

(h) Each school district may provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program should include: awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modification, especially modifications allowed on standardized testing.

Source: The provisions of this §74.28 adopted to be effective September 1, 1996, 21 TexReg 4311.

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Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a nonsegregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

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